Supreme Court, U.S.
FILED
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No. OFFICE OF THE CLERK

IN THE
UNITED STATES SUPREME COURT
OCTOBER TERM,1995

Tasker Generes, Petitioner

v.

Patricia Morrell and Edward L. Morrell, Respondents

On Petition for Writ of Certiorari to the
United States Court of Appeals
for the Seventh Circuit

APPENDIX "C"
TO
PETITION FOR WRIT OF CERTIORARI

I. COMPLAINT AND ANSWER
THE LEASE, AND EXHIBITS IN
THE ADVERSARY PROCEEDING
Generes v Morrell 92 A 01283
II. DOCKET STATEMENTS FROM ALL COURTS
III. TEXT OF APPLICABLE STATUTES

Tasker O de Generes
Counsel of Record
Counsel for Petitioner
1845 Happ Road
Northbrook, IL 60062-5643
(847) 564-8944
June 19, 1996

69 pp

TABLE OF CONTENTS
APPENDIX "C"

I. COMPLAINT AND ANSWER IN ADVERSARY PROCEEDINGS:
Generes v Morrell 92 A 01283 ---------- 1

II. Exhibit A ---- Residential Lease for 1829 Happ Road with the Morrells ---------- 8

Exhibit B ---- July 1, 1991 Letter to Morrell ------- 17

Exhibit C ---- Damage List ---------- 18

III Morrell Rent Check dated July 6, 1991 ---------- 20

IV DOCKETS --- ----------

--- 92 A 01283 Bankruptcy Court Proceedings ------ 21

-- 1:93 cv 5884 District Court Proceedings ---------- 27

-- No. 94-1647 Appellate Court Generes's Appeal ---- 32

-- No. 94-2213 Appellate Court Morrell's Appeal ---- 42

V Constitution, Statutes, and Rules ----------

U.S. Const. --- Amendment 5 ---------- 54

28 USC §1291 Appeals ---------- 55

28 USC §2071 et seq. ------- The Rules Enabling Act ---------- 55

Fed. R. App. P. Rule 38 ---------- 57

Fed. R. Civ. P - Rule 1 Scope and Purpose ---------- 58

---------- Rule 11 ante Dec. 1, 1993 amendment - 58

---------- Rule 11 post Dec. 1, 1993 amendment - 60

---------- Rule 52 ---------- 61

---------- Rule 54 ---------- 62

Bankruptcy Adversary Proc. Rule 7001 Scope ---------- 63

---------- Rule 7002 Reference to Fed.R.Civ.P. -- 63

---------- Rule 7052 ---------- 63

---------- Rule 7054 ---------- 64

Bankruptcy Part VIII Appeals to District Court : --- 64
Appeals ------
---------- Part VIII, Rule 8013 ---------- 64
---------- Part VIII, Rule 8014 ---------- 64
---------- Part VIII, Rule 8018(b) ---------- 64
Bankruptcy --- Rule 9011 ---------- 65
---------- ----------
---------- ----------
---------- ----------
---------- ----------

I

IN THE UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

TASKER GENERES	)	
and DOROTHY GENERES, Jt. Debtors.	)	91 B-17220
	)	CHAPTER 11
TASKER GENERES,	)	JUDGE COAR
Plaintiff,	)	
	)	ADV. NO. 92 A 01283
	)	
EDWARD MORRELL and	)	
PATRICIA MORRELL,	)	
Defendants.	)	

ANSWER
TO ADVERSARY COMPLAINT OBJECTING TO CLAIM AND COUNTERCLAIM SEEKING DAMAGES FOR BREACH OF CONTRACT

Defendants, EDWARD L. MORRELL and PATRICIA MORRELL, by their attorneys, David B. Kahn, Ltd., for their answer state as follows:

PARTIES. JURISDICTION AND VENUE

1. Generes is an individual residing in Northbrook, Illinois

RESPONSE:

1. Deny knowledge or information sufficient to form a belief as to the truth of paragraph 1.

2. The Morrells are individuals residing in the judicial district which comprises the Northern District of Illinois.

RESPONSE:

2. Admit paragraph 2.

3. Tasker Generes and Dorothy Generes filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code ("Code") on August 14, 1991.
RESPONSE:
3. Admit that the named individuals have filed for protection under the Bankruptcy Code but deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 3.

4. Since the commencement of this case, the Debtors have continued to operate and manage their affairs as Debtors-in-possession, pursuant to Secs. 1107 and 1108 of the Code.
RESPONSE:
4. Deny knowledge or information sufficient to form a belief as to the truth of paragraph 4.

5. The Morrells have filed a claim in this case for $4,400, relating to a return of a security deposit under the terms of a written lease agreement between them and the Debtors.
RESPONSE:
5. Admit paragraph 5.

6. Generes brings this action to object to and disallow the claim of the Morrells filed in this bankruptcy case and to assert a counterclaim against the Morrells arising out of the same transaction which gives rise to their claim.
RESPONSE:
6. Admit that Generes purports to object to the Morrells' claims against him and to assert a counterclaim against the Morrells but deny that either the objection or counterclaim are meritorious.

7. This Court has subject matter jurisdiction to enter a final order disallowing the claim of the Morrells pursuant 28 U.S.C. Sec. 1334(b) and 28 U.S.C. Sec.157 (b)(2)(B).
RESPONSE:
7. Deny paragraph 7, except admit that Generes purports to allege that this Court has subject matter jurisdiction to disallow the Morrells' claim under 28 U.S.C. Sec. 1334(b) and 28 U.S.C. Sec. 157(b)(2)(B).

8. This Court has subject matter jurisdiction to enter a final order adjudicating the Plaintiff's counterclaim pursuant to 28 U.S.C. Sec. 1334(b) and 28 U.S.C. Sec. 157(b)(2)(C).
RESPONSE:
8. Deny paragraph 8, except admit that Generes purports to allege. that this Court has subject matter jurisdiction to adjudicate Generes's counterclaim under 28 U.S.C. Sec. 1334(b) and 28 U.S.C. Sec. 157(b)(2)(C).

9. The Northern District of Illinois is a proper forum in which to bring this action pursuant to 28 U.S.C. Sec. 1409(a).
RESPONSE:
9. Deny paragraph 9, except admit that Generes purports to allege that the Northern District of Illinois is a proper forum in which to bring this action under 28 U.S.C. Sec. 1409(a).

ALLEGATIONS COMMON TO ALL CLAIMS

10. The Morrells and Debtor Tasker Generes were parties to a written lease agreement dated December 18, 1990 ("Lease"), pursuant to which the Morrells occupied certain improved real estate commonly known as 1829 Happ Road ("Leased Premises"). A copy of the Lease is attached as Exhibit A.
RESPONSE:
10. Admit paragraph 10.

11. The Lease expired, by its own terms, on June 17, 1991. The Morrells remained in possession of and occupied the Leased Premises from June 18, 1991 through August 17, 1991.
RESPONSE:
11. Admit the allegations in paragraph 11 except that Generes orally agreed to extend the lease term through and including the date that the Morrells vacated the premises on a month-to-month basis at the same rental rate.

12. Pursuant to par. 8(a) of the Lease, Tasker Generes elected to treat the Morrells' continued possession of the Leased Premises as the renewal of the Lease for a term of one year, upon terms identical to those contained in the Lease. Tasker Generes expressly waived his right to double the rent during

the holdover or renewal term. A copy of the Notice which Tasker Generes mailed to the Morrells' on July 1, 1991 is attached as Exhibit 3.
RESPONSE:
12. Deny paragraph 12. Generes orally agreed to extend the lease term through and including the date that the Morrells vacated the premises on a month-to-month basis at the same rental rate. Generes had no right to double rent during the holdover because the Morrells did not agree to such a rental rate when the parties orally extended the lease on a month-to-month basis. The Morrells did not receive the notice attached as Exhibit 3 to the complaint.

13. At the time the Morrells surrendered possession of the Leased Premises, they had not paid rent for the lease month beginning July 18, 1991 in the amount of $2,200.
RESPONSE:
13. Deny Paragraph 13.

14. Additionally, as of the time the Morrells surrendered possession of the Leased Premises, they were in default under the terms of the Lease by failing to restore the Leased Premises to its condition as of the commencement of the Lease, reasonable wear excepted, as required by par. 4 of the Lease.
RESPONSE:
14. Deny paragraph 14.

15. Tasker Generes has incurred or expects to incur expenses of $8,127 in restoring the Leased Premises after the Morrells surrendered possession. A summary of these expenses is contained in Exhibit C.
RESPONSE:
15. Deny paragraph 15.

16. Tasker Generes was unable to find a new tenant for the Leased Premises until May, 1992
RESPONSE:
16. Deny knowledge or information sufficient to form a belief as to the truth of paragraph 16.

COUNT I
(Objection to Claim)

17. Generes realleges and incorporates pars. 1-16 as par. 17.
RESPONSE:
17. Reallege and incorporate their responses to pars. 1-16 as their response to par. 17.

18. The Morrells paid Tasker Generes the $4,400 as a security deposit.
RESPONSE:
18. Admit paragraph 10.

19. The Morrells are in default of their obligations under the Lease which default gives rise to claims against the Morrells under the Lease in an amount in excess of the security deposit held by Generes.
RESPONSE
19. Deny paragraph 19.

COUNT II
(Counterclaim for Damages for Breach of Contract)

20. Generes realleges and incorporates pars. 1-19 as par. 20.
RESPONSE:
20. Reallege and incorporate their responses to pars. 1-19 as their response to par. 20.

21. The current tenant of the Leased Premises pays a monthly rental of $2,000 and leases the property pursuant to a written agreement for a twelve month period which began on May 16, 1992
RESPONSE:
21. Deny knowledge or information sufficient to form a belief as to the truth of paragraph 21.

22. Pursuant to par. 17 of the Lease, the Morrells are obligated to pay all reasonable costs, attorneys fees and expenses incurred by Generes in the enforcement of his rights under the Lease.
RESPONSE:
22. Admit that par. 17 of the Lease so states but deny that they are required to pay Generes's costs, attorneys fees and expenses of this action.

23. Generes has fulfilled all of his obligations under the Lease.

RESPONSE:
23. Deny paragraph 23.

24. Pursuant to par. 3 of the Rider to the Lease, the Morrells are responsible for liquidated damages in the amount of $100 for each lease payment which is more than five days late.
RESPONSE:
24. Admit that par. 3 of the Rider to the Lease contemplates liquidated damages for late rental payments but deny that this covenant is legally enforceable or that their payments under the Lease were in fact late.

25. Generes has incurred and suffered damages as a result of the default of the Morrells in the amount of $31,427.00, exclusive of attorneys fees and other collection costs, which are summarized as follows:

a. rental charges from July 18, 1991 through May 17, 1992 ten months at $2,200 per month): $22,000

b. rental deficiency from May 18, 1992 through June 17, 1992 ($2,200 due; $2,000 received); $200.00

c. liquidated damages for late payments for lease months beginning July 17, 1991 through May 18, 1992 (11 months at $100 per month); and $1,100

d. damages and expenses in connection with restoring the property as summarized in Exhibit C: $8,127
RESPONSE:
25. Deny paragraph 25.

26. Generes has retained possession of the Morrells security deposit in the amount of $4,400.
RESPONSE:
26. Admit paragraph 26 and further assert that Generes's retention of the deposit is wrongful and in breach of the Lease.

27. The Morrells remain indebted to Generes for breach of their obligations under the Lease in the amount of $27,027.00, plus costs and expenses incurred by Generes in enforcing his rights under the Lease.

RESPONSE:
27. Deny paragraph 27.

WHEREFORE, defendants demand judgment in their favor and against the Joint Debtors and plaintiff, dismissing the objections to defendants' bankruptcy claims as well as plaintiff's counterclaims and for whatever other relief is justified in the premises.

EDWARD L. MORRELL
PATRICIA MORRELL
By:_____
Mark E. King
One of their Attorneys

CERTIFICATE OF SERVICE

The undersigned attorney certifies that the attached ANSWER TO ADVERSARY COMPLAINT OBJECTING TO CLAIM AND COUNTERCLAIM SEEKING DAMAGES FOR BREACH OF CONTRACT was served on all attorneys listed below either by hand-delivery or by depositing the same in the United States Mailbox located at 200 West Adams Street, Chicago, Illinois 60606, with proper postage prepaid, all on the 19th day of October 1992:

Abraham Brustein, Esq.
Christopher R. Smith, Esq.
SMITH, WILLIAMS & LODGE CHARTERED
55 West Monroe Street, Suite 1800
Chicago, Illinois 60603

signed
(Mark King)

David B. Kahn, Esq. (ARDC No. 01381628)
Mark E. King, Esq. (ARDC No. 0619009l)
DAVID B. KAHN, LTD.
200 West Adams Street Suite 2701
Chicago, Illinois 60606 312/ 855-0955

II
EXHIBIT A:
RESIDENCE LEASE
(GEORGE COLE LEGAL FORMS.)

Date of Lease: 12/18/90 Term: Beginning: 12/18/90 Ending: 6/17/91
Rent: $2200.00 per month. Security Deposit: $4,400.
Lessee: Edward L & Patricia Morrell, Lessor: Tasker Generes
Premises: 1829 Happ Road, Northbrook, IL 60062-5643.
Lessor's address: 1845 Happ Road, Northbrook, IL 60062.

In consideration of the mutual covenants and agreements herein state, Lessor hereby leases to Lessee and Lessee hereby leases from Lessor for a private dwelling the house designated above (the "Premises"), together with the appurtenances thereto, for the above term.

1. Lessee shall pay Lessor as rent for the Premises the sum stated above, monthly in advance, until termination of this lease, at Lessor's address stated above or such other address as Lessor may designate in writing. Time of each such payment is of the essence of this agreement.

2. Lessee has deposited with Lessor the Security Deposit stated above as security for the performance of all covenants and agreements of Lessee hereunder. Lessor may at any time or times apply all or any portion thereof in payment of any amounts due Lessor from Lessee. Upon termination of the lease and full performance of all of Lessee's obligations hereunder, so much of the Security Deposit as remains unapplied shall be returned to Lessee. The Security Deposit shall not bear interest unless and except as required by Illinois statute.

3. Lessee acknowledges that the Premises are in good repair, except as herein otherwise specified, and that no representations as to the condition or repair thereof have been made by the Lessor, or Lessor's agent, prior to or at the execution of this lease, that are not herein expressed.

4. The Lessee covenants and agrees with Lessor to take good care of and keep in clean and healthy condition the Premises and their fixtures, and to commit or suffer no waste therein; that no changes or alterations of the Premises shall be made or partitions erected, nor walls papered without the

consent in writing of Lessor; that Lessee will make all repairs required to the walls, windows, glass, ceilings, paint, plastering, plumbing work, pipes, and fixtures belonging to the Premises, whenever damage or injury to the same shall have resulted from misuse or neglect; and Lessee agrees to pay for any and all repairs that shall be necessary to put the Premises in the same condition as when he entered therein, reasonable wear and loss by fire excepted, and the expense of such repairs shall be included within the terms of this lease and any judgment by confession entered therefor.

5. Except as required by Illinois statute, the Lessor shall not be liable for any damage occasioned by failure to keep the Premises in repair, and shall not be liable for any damage done or occasioned by or from plumbing, gas, water, steam. or other pipes, sewerage, or the bursting, leaking or running from any cistern, tank, washstand, water closet or waste pipe in, above, upon or about the Premises. nor for damage occasioned by water, snow or ice, being upon or coming through the roof, skylight, trap door or otherwise, nor for any damage arising from acts or neglect of any owners or occupants of adjacent or contiguous property.

6. Lessee will not allow the Premises to be used for any purpose that will increase the rate of insurance thereon. nor for any purpose other than that hereinbefore specified. nor to be occupied. in whole or in part, by any other person, and will not sublet the same, or any part thereof, nor assign this lease. without in each case the Lessor's written consent had, and will not permit all transfer. by operation of law, of the interest in the Premises acquired through this lease; and will not permit the Premises to be used for unlawful purpose or purposes that will injure the reputation of the same or of the neighborhood; will keep no dogs, cats or other animals or pets in or about the Premises; will not permit the Premises to remain vacant or unoccupied for more than ten consecutive days; and will not permit any alteration of or upon any part of the Premises, nor allow any signs or placards posted or placed thereon. except by written consent of the Lessor, all alterations and additions to the Premises shall remain for the benefit of the Lessor unless otherwise provided in said consent.

7. If Lessee shall abandon or vacate the Premises, the same shall be re-let by the Lessor for such rent, and upon such terms as Lessor may see fit; and if a sufficient sum shall not be thus realized, after paying the expenses of such

re-letting and collecting, to satisfy the rent hereby reserved. the Lessee agrees to satisfy and pay all deficiency.

8. If the Lessee retains possession of the Premises or any part thereof after the termination of the term by lapse of time or otherwise, then the Lessor may at Lessor's option within thirty days after the termination of the term serve written notice upon Lessee that such holding over constitutes either (a) renewal of this lease for one year, and from year to year thereafter, at double the rental specified under Section I for such period, or (b) creation of a month to month tenancy. upon the terms of this lease except at double the monthly rental specified under Section 1, or (c) creation of a tenancy at sufferance, at a rental of_ _ dollars per day for the time Lessee remains in possession. If no such written notice is served then a tenancy at sufferance with rental as stated at (c) shall have been created. Lessee shall also pay to Lessor all damages sustained by Lessor resulting from retention of possession by Lessee.

9. Naphtha, benzine, benzole, gasoline, benzine-varnish, gunpowder, fireworks, nitroglycerin. phosphorus, saltpeter. nitrate of soda, camphene, spirit-gas, or any flammable fluid or oil. shall not be allowed or used on the Premises without the written permission of the Lessor.

10. Lessee shall pay (in addition to the rent above specified) all water taxes and all gas, electricity-and power bills, levied or charged on or in respect of the Premises, for and during the term of this lease, and in case no water taxes are levied specifically on or in respect of the Premises, to pay the ____ part of all water taxes levied or charged on or in respect of the building of which the Premises constitutes a part; and in case said water taxes and gas, electricity and power bills shall not be paid when due, Lessor shall have the right to pay the same, which amount so paid, together with any sums paid by Lessor to keep the Premises and their appurtenances in good condition as hereinbefore specified, shall be due and payable with the next installment of rent due thereafter under this lease.

11. Lessor reserves the right to put up a "To Rent" sign sixty days prior to the expiration of this lease and a "For Sale" sign at any time during the term of this lease.

12. Lessee will in every respect comply with the ordinances of the municipality aforesaid, with the rules and orders of the health officers thereof, with the orders and requirements of the police department, with the requirements of any underwriters' association so as not to increase the rates of insurance upon the building and contents thereof, and with the rules and orders of the fire department in respect to any matters coming within their jurisdiction.

13. If default be made in the payment of the above rent, or any part thereof, or in any of the covenants herein contained to be kept by Lessee, it shall be lawful for Lessor at any time, at his election, without notice, to declare said term ended and to reenter the Premises, or any part thereof, with or without process of law, and to remove Lessee or any persons occupying the same, without prejudice to any remedies which might otherwise be used for arrears of rent, and Lessor shall have at all times the right to distrain for rent due and shall have a valid and first lien upon all personal property which Lessee owns or may hereafter acquire or have an interest in, whether exempt by law or not, as security for payment of the rent herein reserved.

14. The Lessee hereby irrevocably constitutes any attorney of any court of record in this state. attorney for Lessee in Lessee's name, on default by Lessee of any of the covenants herein, and upon complaint made by Lessor, his agent or assigns, and filed in any such court to enter Lessee's appearance in any such court of record, waive process and service thereof, and confess judgment, from time to time, for any rent which may be due to Lessor, or the Lessor's assignees, by the terms of this lease, with costs and a reasonable sum for attorney's fees, and to waive all errors and all right of appeal from said judgment, and to consent in writing that a writ of execution may be issued immediately.

15. After the service of notice, or the commencement of a suit, or after final judgment for possession of the Premises, the Lessor may receive and collect any rent due, and the payment of said rent shall not waive or affect said notice, said suit, or said judgment.

16. In case the Premises shall be rendered untenantable by fire or other casualty, Lessor may at his option terminate this lease, or repair the Premises within thirty days, and failing so to do, or upon the destruction of the Premises by fire, the term hereby created shall cease and determine.

17. The Lessee further covenants and agrees to pay and discharge all reasonable costs, attorney's fees and expenses that shall be made and incurred by Lessor in enforcing the covenants and agreements of this lease.

18. The words "Lessor" and "Lessee" wherever herein occurring and used shall be construed to mean "Lessors" and "Lessees" in case more than one person constitutes either party to this lease, and all such persons shall be jointly and severally liable hereon; and all the covenants and agreements herein contained shall be binding upon, and inure to, their respective successors, heirs, executors, administrators and assigns and be exercised by his or their attorney or agent.

19. If any clause, phrase, provision or portion of this lease or the application thereof to any person or circumstance shall be invalid, or unenforceable under applicable law, such event shall not affect, impair or render invalid or unenforceable the remainder of this lease nor any other clause, phrase, provision or portion hereof, nor shall it affect the application of any clause, phrase, provision or portion hereof to other persons or circumstances.

WITNESS
the hands and seals of the parties hereto,
as of the Date of Lease stated above.

signed (Edward L & Patricia Morrell) 12/18/95 (SEAL)

signed (Tasker Generes 12/18/95 (SEAL)

LEASE RIDER

Edward L. & Patricia Morrell, Lessees
Date of Lease 12/18/90
Term beginning 12/18/90
Term ending 6/17/91.
Premises of 1829 Happ Rd., Northbrook, IL. 60062-5643.

1. Lessee acknowledges that the following items are part of the Premises and will return same in clean normal working condition and will regularly maintain them properly:

a). Kenmore pilot free oven model t278 324 8296 Ser No. 6P16105.

b). General Electric Dishwasher Model GSD400WOBK Ser No. RH643235B.

c). Maytag pilot free gas cooktop model DCS6500 Ser. No. 56360RE. Undershelf Toastmaster toaster. Two counter-protectors. Paper Towel Holder.

d). Kohler 36" Brookfield Sink Model 592.

e). Kitchen Aire Ventilator disposal model 175.68570 Ser. No. CL677511.

g). Mirrored wall in Dining Room.

h). Mirrors behind all bath doors.

i). Monarch mirrored closet doors in master bedroom closet.

j). Two Monarch mirrored closet doors in other bedroom which has a private bath.

k). Wing Decorator wood and mirror entrance closet door. (Currently stored in garage to allow area for display)

l). Two direct wired smoke detectors with battery backup.

m). Nutone door chime.

n). Amana Air Command Furnace

o). Amana Hi Efficiency Central Air Conditioner

p). Lake Air 1400 Electronic Air Cleaner.

q). Stevens Model SS35F Submersible Sump Pump

r). Three bedrooms other than master carpeted with 100% Wool Marshall Fields "Field Tone" installed tackless over Field Tred rubber padding using 60 sq. yds. 12 feet wide. SW bedroom carpet has a slight stain by the window. **Lessee accepts this condition.**

s). Master bedroom 32 sq. yds. Carefree Stainmaster carpet.

t). Living Room Dining Room, Family Room, and three bedroom hallway floored with oak strip flooring.

u). Atrium Room Corinthia MG 6 Ceramic Tile (Existing floor has missing tiles by Center Island. **Lessee accepts this condition as is.**

v). Master Bath Ceramic tile floor and bath walls. Shower curtain road and four towel bars.

w). Entry, hall bath, and NE bath floors are Ceramic Tile Bianco D'Italia Iris Mono 1200 C ingliva Ia Scelta Ceramic Tile. Entry Dead Bolt and Handle Lock sat by Schlage.

x). Shower in NE bath is Artesian 36" base shower system. Towel racks, Oak vanity with integral Corfram sink. Mirror above sink. Cream color shower curtain and rod supplied. Two towel bars and one set of hanger hooks.

y). All other floors no wax solarian or vinyl tile.

z). Moen or True Value Master Plumber brand faucets in lavatories and baths, including Moen Touch Control Model 87545 Riser Kitchen Sink faucet. White Shower curtain and rod with two towel bars in hall bath.

aa). State Water Heater Self Cleaning Model Sev 40 NRT6JW.

ab). Whirlpool Heavy Duty LA 6301 XS Clothes Washer.

ac). General Electric Clothes Dryer-Heavy Duty Commercial. model DDC 4580L WH Serial A13 0311G.

ad). Sear garage door opener and two remote control units. 139654001 002144.

as). Amana Refrigerator SXPD w/black glass 36" side by side with water and ice dispensers.

af). Two sets of Malibu 10 Light Tier II outdoor lights installed in front yard with timer/transformer at West side and South side of house.

ag). Drip irrigation watering system on South side of house.

ah). Two Line Wall Phone installed in kitchen.

ai). Joanna Vertical Blinds in Living and Dining Room.

aj). Levelor Miniblinds on all other windows except Atrium room with Brass Atrium Dead Bolt Lock Set in Family room.

ak). Makeup mirror with stage lights is installed in master bedroom on NE walk-in closet wall on bedroom side.

al) All rooms have recessed lighting fixtures in ceiling. Lessee agrees to replace bulbs that wear out.

am). Five Wire Rack Shelfs in pantry.

2. Lessee agrees to pay a checks returned unpaid fee of $25 per time.

3. Lessee agrees to pay a late payment fee of $100 if rent is more than 5 days late. Lessee hereby acknowledges that late payment by Lessee to Lessor of rent and other sums due hereunder will cause Lessor to incur costs not contemplated by this Lease, the exact amount of which will be extremely difficult to ascertain. The parties hereby agree that such late charge represents a fair and reasonable estimate of the costs Lessor will incur by reason of late payment by Lessee. **Acceptance of such late charge by Lessor shall in no event constitute a waiver of Lessee's default with respect to such overdue amount, nor prevent Lessor**

from exercising any of the other rights and remedies granted hereunder.

4. **Lessee will keep the lawns, beds, shrubs, and trees, properly maintained, watered, sprayed for insects and fertilized**. Lessee will see to it that lawns are mowed every week during the season and keep free of dandelions and other weeds. Otherwise lessor may retain a service and add it to the rent.

5. Lessee agrees to permit lessor access at reasonable times to make improvements to the premises and to improve the landscaping in his discretion, or for showing the premises to prospective lenders, purchasers or their agents or appraisers and village inspectors, meter readers, and repairmen.

6. Subordination: Upon request of lessor, lessee will in writing subordinate its right hereunder to the lien of any mortgage or mortgages, or the lien resulting from any other method Or financing hereafter placed upon the real property of which the premises are a part, and to all advances made or hereafter to be made upon the security thereof.

7. Insurance: Lessee shall maintain a renter's insurance policy on the premises with standard $100,000/$300,000 liability limits.

8. Bankruptcy: (a) The appointment of a receiver to take possession of all or substantially all of the assets of Lessee, or (b) general assignment for the benefit of creditors, or (c) any action taken or suffered by Lessee under any insolvency or bankruptcy act shall, at the option of the Lessor, constitute a breach of this lease by Lessee and thereupon this lease shall immediately end and terminate and shall in nowise be treated as an asset of Lessee after the exercise Or such option.

9. Smoke Detectors: Lessee acknowledges receipt of instruction on use of the equipment including the smoke/fire detectors. Lessee acknowledges that it is lessees responsibility to regularly test the detectors and to replace at lessee's expense the batteries. Lessee agrees to observe all laws regarding upkeep, maintenance, and testing of smoke detectors.

10. Change in occupancy: Should the number of occupants increase or the premises be subletted, then the lessee agree to furnish an additional month's rent as an additional security deposit.

11. Living Room Ceiling has a small drill hole next to one SW corner ceiling light. Dining Room ceiling had a leak which has been repaired. However, the ceiling has parted drywall tape. **Lessee accepts the premise with these ceilings as is.**

12. Garage has damage to drywall. Small fender imprint on front wall and near floor on SW side. **Lessee accepts the premise with this condition.**

14. The pantry door is damaged. **Lessee accepts the premise with this condition.**

15. **The family pet poodle is allowed; but no other pets are allowed without written consent of the lessor**.

Signed (Edward L. & Patricia Morrell 12/18/90)
Signed (Tasker Generes 12/18/90)

EXHIBIT B
Notice of Holdover Tenancy

Dorothy and Tasker Generes
18 4 5 Happ Road.
Northbrook, IL 60062

Edward and Patricia Morrell
1829 Happ Road
Northbrook, IL 60062

July 1, 1991

Dear Patti,

Since you have held over past the expiration of your lease, this is your written notice that we are exercising our option under paragraph 8(a) of the

lease for 1829 Happ to renew the lease for one year, and from year to year thereafter, at $2,200 dollars per month .

Your lease provides as follows in paragraph 8.

If the lessee retains possession of the Premises or any part thereof after the termination of the term by lapse of time or otherwise, then the Lessor may at Lessor's option within thirty days after the termination of the term serve written notice up lessee that such holding over constitutes either (A) renewal of this lease for one year, and from year to year thereafter, at double the rental specified under Section 1 for such period, or .....

We waive the doubling of the rent.

Yours truly,

Tasker Generes

EXHIBIT C

1829 HAPP INSPECTION

Patch drywall and paint interior use bleach to kill mold in baths, several coasts need on wood trim:	
Paint: Northbrook Paint, 1340 Meadow Road	$300
Labor: Scrape, patch, prim and paint	$3099
*1 Dead 16 foot fir tree due to failure to water:	$1800
Carpet dirty and spotted must be washed: Perfection Cleaning	$100
Kitchen counter by sink used as cutting board, replace counter, two missing hot counter protectors for center island and legs broken off into counter:	
*2 Material	$524
*2 Labor: remove sink and gas cooktop and reinstall	$600
Refinish Oak Floors: Robert's Flooring	$700
Replace Bath Vent: Effective Air	$472
Advertise in Pioneer Press	$531

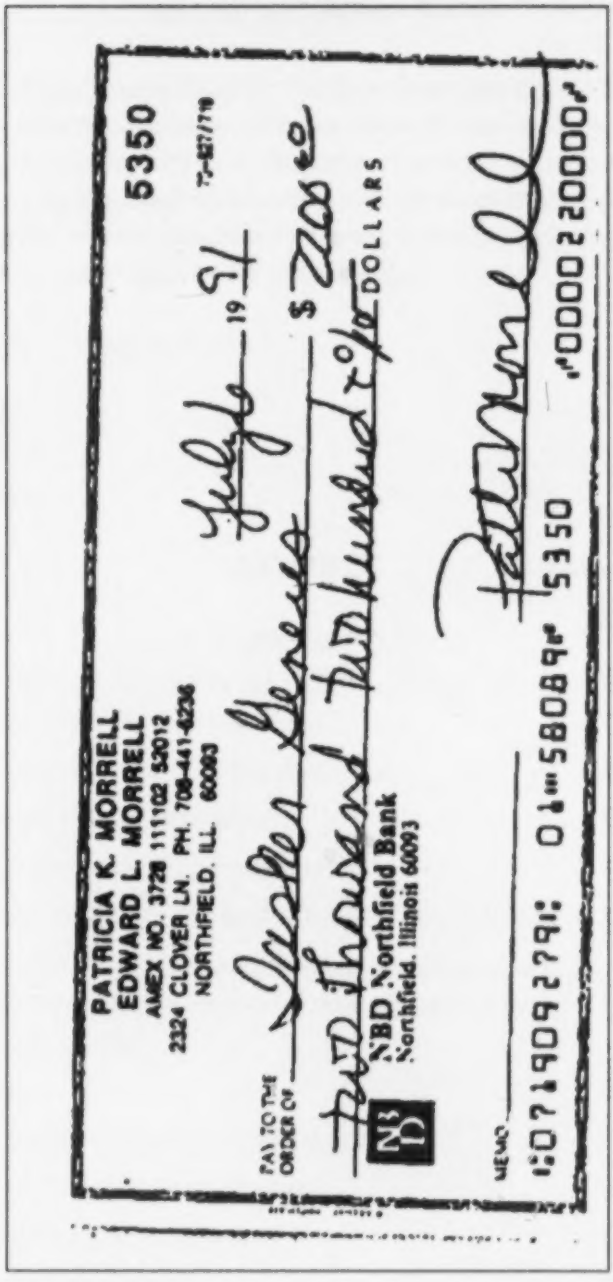
Total: $8127.

*1. Estimate from Chalet Nursery, tree not yet replaced

*2 Counters not yet replaced, estimate based on original cost

III

JULY 6, 1991 CHECK



DOCKETS
A. BANKRUPTCY COURT ADVERSARY DOCKET

BANKRUPTCY ADVERSARY PROCEEDING DOCKET						DOCKET # 92-01283
FILING DATE MO DAY YEAR	P	N/S	O	R	DEMAND IN $1000	RELATED BANKRUPTCY DOCKET
09/12/92	3	498	1	N	27	91-17220

PLAINTIFF(S)	DEFENDANT(S)
1. TASKER GENERES	1. MORRELL, EDWARD L
	2. MORRELL, PATRICIA
CAUSE	
COMPLAINT OBJECTION TO CLAIM AND COUNTERCLAIM	
ATTORNEYS	
1. CHRISTOPHER R SMITH 55 WEST MONROE STE 1800 CHICAGO, IL 60603 (312) 853-3230	1. DAVID B KAHN ONE NORTHFIELD PLAZA NORTHFIELD, IL 60093 (708) 501-5083 2. No attorney entered.
FILING FEE: Paid	

Docket for Adversary Case No. 92-01283A in re: 91-17220

GENERES V MORRELL

09/21/92	1	ADVERSARY Complaint [EOD 09/22/92][DS]
09/21/92	2	COVER Sheet [EOD 09/22/92][DS]
09/21/92	3	ISSUED Summons - Status Hearing on 11/03/92 at 10:00 a.m. at 219 South Dearborn, Courtroom 742, Chicago, IL 60604. (1 copies)[EOD 09/22/92][DS]
11/03/92	3A	HEARING Continued to 3/26/93 Stricken & Reset and
		Concluded on 06/30/93 at 2:00 p.m. Re: Item #
		3.[EOD 07/15/93][CM]
09/21/92	4	RECEIPT No. 38930 [EOD 09/22/92][DS]
09/21/92	4A	INTAKE Checklist [EOD 09/22/92][DS]
09/25/92	5	CERTIFICATION of Service on Edward L & Patricia Morrell Re: Item # 3.[EOD 09/28/92][DS]
10/19/92	6	AFFIDAVIT Prescribed by General Rule 39 by David B Kahn for defendants [EOD 10/21/92][MW]
10/19/92	7	AFFIDAVIT Prescribed by General Rule 39 by Mark E King for Edward L & Patricia Morrell [EOD 10/21/92][DS]
10/19/92	8	APPEARANCE by Mark E King for Edward L and Patricia Morrell [EOD 10/21/92][JO]
10/19/92	9	ANSWER To Adversary Complaint objecting to claim and counter claim seeking damages for breach of contract Re: Item #1.[EOD 10/22/92][LB]
10/19/92	10	APPEARANCE for Edward L Morrell and Patricia Morrell by David B. Kahn [EOD 10/21/92][JO]

11/10/92	11	PREHEARING ORDER on 03/26/93 at 2:00 p.m. at 219 South Dearborn, Courtroom 742, Chicago, IL 60604. [EOD 12/02/92][LB]
		[VACATED] Re: Item # 13.[EOD 03/23/93][DS]
11/10/92	11A	STIPULATION [EOD 12/02/92][LB]
11/10/92	11B	DISCOVERY due by 01/29/93[EOD 12/02/92][LB]
		SEE DRAFT ORDER FOR FURTHER PARTICULARS [EOD 12/02/92][LB]
01/28/93	12	PROOF of Service on Subpoena [EOD 02/02/93][MC] (WAYNE FRANKFORT) [EOD 02/05/93][MC]
03/15/93	13	PREHEARING ORDER Trial (AMENDMENT) on 06/30/93 at 2:00 p.m. Re: Item # 1.[EOD 03/23/93][DS]
03/15/93	13A	EXHIBIT(S) and Witness lists will be exchanged on or before 6/15/93 [EOD 03/23/93][DS]
03/15/93	13B	FINDINGS of Fact and Conclusions Of Law optional trial brief, joint stipulated facts, and written objections to exhibits will be filed on or before 6/22/93. [EOD 03/23/93][DS]
03/16/93	14	NOTICE of Motion [EOD 03/24/93][AM]
03/16/93	14A	MOTION to Amend The Pretrial Scheduling Order
		(Joint) by Plaintiff and Defendants [EOD
		03/24/93][AM]
06/16/93	15	NOTICE of Filing [EOD 06/18/93][LJ]
06/16/93	15A	LIST of Witnesses and Exhibits by Plaintiff/Tasker Generes [EOD 06/18/93][LJ]
06/22/93	16	NOTICE of Filing of Plaintiff' Proposed Findings of Fact and Conclusions of Law and Plaintiff's Objections to Defendants' Proposed Exhibits [EOD 06/24/93][DR]
06/22/93	17	FINDINGS of Fact and Conclusions of Law (Proposed) by Defendant Re: Item # 13B.[EOD 06/24/93][MJ]
06/22/93	18	OBJECTION To Plaintiff's Exhibits by Defendants [EOD 06/24/93][LD]

06/22/93	19	OBJECTION To Defendants' Exhibits by Plaintiff, Tasker Generes [EOD 06/25/93][AM]
06/25/93	20	STIPULATION as to Certain Facts and Documents by Plaintiff Tasker Generes [EOD 06/29/93][MJ]
06/22/93	21	FINDINGS of Fact and Conclusions of Law by Plaintiff [EOD 6/30/93][EH]
06/16/93	22	NOTICE of Filing [EOD 07/15/93][CM]
06/16/93	22A	LIST of Witnesses and Exhibits by Tasker Generes, Plaintiff [EOD 07/15/93][CM]
06/16/93	23	LIST of Exhibits by Edward L & Patricia Morrell, Defendants [EOD 07/15/93][CM]
06/28/93	24	LIST of Witnesses (Amended) by Edward L & Patricia Morrell, Defendants [EOD 07/15/93][CM]
07/08/93	25	ORDER Final in favor of Defendants Edward and Patricia Morrell and against Plaintiff Tasker Generes in accordance with this order. [EOD 07/15/93][CM]
		SEE DRAFT ORDER FOR FURTHER PARTICULARS [EOD 07/15/93][CM]
		BIIIB REPORT [EOD 07/15/93][CM]
07/26/93	26	NOTICE of Motion [EOD 07/28/93][CM]
07/26/93	26A	MOTION for a New Trial by Plaintiff [Disposed][EOD 07/28/93][CM]
07/28/93	27	ORDER Striking Motion for Plaintiffs failure to Notice this Motion for a date certain pursuant to Local Rule 12 Re: Item # 26A.[EOD 08/12/93][CM]
08/16/93	28	NOTICE of Motion [EOD 08/19/93][JG]
08/16/93	29	MOTION For a New Trial by Plaintiff Re: Item # 28. [Disposed][EOD 08/19/93][JG]
08/16/93	30	MINUTE ORDER - Motion Denied For Reasons Stated in Open Court Re: Item # 29.[EOD 08/19/93][JG]
08/23/93	31	NOTICE of Motion [EOD 08/23/93][CM]
08/23/93	31A	MOTION for Stay on Appeal by Plaintiff [Disposed][EOD 08/23/93][CM]

08/23/93	32	ORDER that this Courts order entered 7/15/93 is hereby Stayed pending appeal. Appellants Superseadas bond in the amount of $5120 is approved and shall be filed forthwith. Re: Item # 31A. [EOD 08/23/93][CM]
08/23/93	33	Supersedeas Bond in the amount of $5120 to be paid to Edward and Patricia Morrell from judgment of 7/15/93[EOD 08/23/93] [CM]
08/23/93	33A	AFFIDAVIT of Justification for Supersedeas Bond by
		Tasker Generes [EOD 08/23/93][CM]
08/23/93	33B	AFFIDAVIT of Justification for Supersedeas Bond by Dorothy Generes [EOD 08/23/93][CM]
08/19/93	34	NOTICE of Filing [EOD 08/24/93][MI]
08/19/93	34A	NOTICE of Appeal by Plaintiff/Tasker Generes Re: Item # 25.[EOD 08/24/93][MI]
08/20/93	35	DELIVERED/MAILED Copies to Bankruptcy Judge Coar and attorneys of record Re: Item # 34A. [EOD 08/24/93][MI]
08/23/93	36	NOTICE of Filing Re: Item # 33. [EOD 08/25/93][CM]
08/20/93	37	NOTICE of Filing of Transcript Information Sheet re: hearings of 6/30/93 (Trial) and 8/16/93 [EOD 08/25/93] [CM]
08/30/93	38	NOTICE of Filing [EOD 08/30/93][CM]
08/30/93	38A	DESIGNATION of Items to be included in the Record and Statement of Issues on Appeal Re: Item # 34A.[EOD 08/30/93][CM]
08/30/93	39	NOTICE of Cross-Appeal by Defendants Re: Item # 34A.[EOD 08/31/93][CM]
08/31/93	40	DELIVERED/MAILED Copies to Bankruptcy Judge Coar, Debtors and US Trustee Re: Item # 39.[EOD 09/02/93][CM]
09/09/93	41	DESIGNATION of Items to be included in the Record and Statement of Issues to be presented on Appeal Re: Item # 39.[EOD 09/09/93][CM]
09/10/93	42	NOTICE of Change of Address of Attorney for

		Defendants [EOD 09/13/93][CM]
09/13/93	43	TRANSCRIPT Filed of Proceedings of Hearing on 6/30/93 at 2:00 p.m. before Judge Coar [EOD 09/15/93][CM]
09/13/93	44	TRANSCRIPT Filed of Proceedings on Hearing of 8/16/93 at 10:00 a.m. before Judge Coar [EOD 09/15/93][CM]
09/13/93	45	TRANSCRIPT Filed of Proceedings on Hearing of 6/30/93 at 2:00 p.m. before Judge Coar [EOD 09/15/93][CM]
09/20/93	46	DESIGNATION of Items to be included in the Record (ADDITIONAL) by Tasker Generes, Appellant/Cross-Appellee [EOD 09/21/93][CM]
09/22/93	47	TRANSMITTED to U.S.D.C. Record Consisting of One Volume of Pleadings, Assigned 93C5884 to Judge Marovich and Magistrate Judge Bobrick Re: Item # 39.[EOD 09/28/93][JG]
05/06/94	48	LETTER dated May 05, 1994, Certified copy of the Judgment Order of this court disposing of the appeal [EOD 05/10/94][FN]
05/06/94	49	**CERTIFIED Copy of Order From the U.S. District Dated: Mar 14. 1994 - *(This order also concerns 92 A 1283) Pursuant to Court is affirmed except that this Court reverses that part of the Bankruptcy Court's judgment that denied attorneys fees and costs to the defendants, and remands the case to the Bankruptcy Court to determine and impose attorney's fees and costs (District Court No. 93 C 5884, Judge Marovich)** [EOD 05/10/94][FN]
05/06/94	50	CERTIFIED copy of Judgment Order For the foregoing reasons, we reverse that part of the Bankruptcy Court's judgment that denied attorney' s fees and costs to the defendants, and remand the case to the Bankruptcy Court to determine and impose attorney's fees and costs pursuant to Bankruptcy Rule 7054(b) (District Court No. 93 C 5884 - Judge Marovich) Re: Item # 49.[EOD 05/10/94][FN]

07/22/94	51	ORDER And Notice Regarding the remand on attorney's fees and cost to defendants. on 08/29/94 at 10:00 a.m. at 219 South Dearborn, Courtroom 742, Chicago, IL 60604. [EOD 07/25/94][BZ]
		[STRICKEN] Re: Item # 53.[EOD 08/26/94][CM]
07/22/94	52	CERTIFICATION of Service Re: Item # 51.[EOD 07/25/94][BZ]
08/23/94	53	MINUTE ORDER - that the courts Order and Notice setting this matter for status regarding remand on attorney's fees and costs to defendants set for 8/29/94 at 10:00 a.m. [Stricken]. [EOD 08/26/94][CM]
10/27/94	54	ORDER Case Reassigned to Judge Barliant effective 10/31/94 [EOD 11/03/94][JA]

DISTRICT COURT DOCKET

I, H. STUART CUNNINGHAM, Clerk of the United States Northern District of Illinois, do hereby certify to the United States Court of Appeals, for the Seventh Circuit, that the documents submitted herewith and annexed hereto are the original papers filed and entered of record in my office, on the dates in the List of Documents, an together with a true copy of docket entries as they appear in the official dockets in this office.

Constitutes the original record on appeal consisting of one (1) volume of pleadings and a list of documents transmitted in the cause entitled;

Tasker Generes v Edward L. Morrell, et al
Plaintiff/Appellant Defendants/Appellees
U.S.D.C. No. 93 CV 5884
U.S.D.C. No. 94-1647

In Testimony Whereof, I here onto subscribed my name and affixed the seal of the aforesaid Court at Chicago, Illinois, this; April 19, 1994 H. STUART CUNNNGHAM, Clerk, by Gerri McDade (Deputy Clerk).

Proceedings include all events.
1:93cv5884 Generes v Morrell, et al

9/27/93	1	BANKRUPTCY RECORD ON APPEAL by Tasker Generes from Judge Coar's order of 7/15/93 consisting of one volume of pleadings and certified copy of docket entries; Civil cover sheet (Documents 1-1 through 1-3). (jmp) [Entry date 09/28/93]
9/28/93	–	MAILED Bankruptcy Rule 8007(b) letter to all counsel of record. (jmp)
10/5/93	2	MINUTE ORDER of 10/5/93 by Hon. George M. Marovich : Cross appellants are ordered to file their opening briefs by 10/20/93. Answer briefs are to be filed by 11/4/93. Replies by 11/18/93. Mailed notice (cmf) [Entry date 10/08/93]
10/19/93	3	NOTICE by appellant Tasker Generes of change of address (jmp)
10/19/93	4	MOTION by appellant Tasker Generes to extend the time to file appellants' brief (Exhibit); Notice of motion (jmp) [Entry date 10/20/93]
19/19/93	5	MINUTE ORDER of 10/19/93 by Hon. George M. Marovich : Granting motion to extend the time to file appellants' brief [4-1]. Cross appellants are to file opening briefs by 11/15/93. Answer briefs are to be filed by 12/01/93 and replies by 12/15/93. Mailed notice (jmp) [Entry date 10/20/93]
11/1/93	6	MINUTE ORDER of 11/1/93 by Hon. George M. Marovich : Appellant is directed to file his pro se appearance, and the Clerk of the Court is directed to add his appearance to the

		service list. Mailed notice (tlm) [Entry date 11/02/93]
11/1/93	7	RULE 39 Affidavit of Pro Se Tasker Generes (tlm) [Entry date 11/02/93]
11/15/93	8	OPENING brief by cross-appellants Patricia Morrell, appellee Edward L Morrell (cmf) [Entry date 11/16/93]
11/15/93	9	APPELLANT's Brief by appellant Tasker Generes (Exhibits). (cmf) [Entry date 11/16/93]
12/1/93	10	ANSWER by cross-appellee (Exhibits). (cmf)
12/1/93	23	APPELLEE's opposition brief by Edward L Morrell, Patricia Morrell (Temporarily unavailable for docketing). (11) [Entry date 04/19/94]
12/15/93	21	CROSS-APPELLANTS' reply brief by Edward L Morrell, Patricia Morrell (Temporarily unavailable for docketing). (11) [Entry date 04/19/94]
12/15/93	22	AFFIDAVIT of Mark E. King in support of cross-appellants' reply brief [21-1] (Temporarily unavailable for docketing). (11) [Entry date 04/19/94]
12/21/93	12	MOTION by appellant Tasker Generes for extension of time to file reply brief ; Notice of motion (jmp) [Entry date 01/10/94]
12/21/93	13	MINUTE ORDER of 12/21/93 by Hon. George M. Marovich : Granting motion for extension of

		time to 01/03/94 to file reply brief [12-1]. Telephoned notice (jmp) [Entry date 01/10/94]
1/3/94	11	REPLY brief by appellant Tasker Generes (jmp) [Entry date 01/05/94]
3/10/94	14	MEMORANDUM, OPINION, AND ORDER (ll) [Entry date 03/15/94]
3/14/94	15	MINUTE ORDER of 3/14/94 by Hon. George M. Marovich : Pursuant to memorandum opinion dated 03/10/94, the order of the Bankruptcy Court is affirmed except that this Court reverses that part of the Bankruptcy Court's judgment that denied attorney's fees and costs to the defendants, and remands the case to the Bankruptcy Court to determine and impose attorney's fees and costs. terminating case Mailed notice (11) [Entry date 03/17/94]
3/24/94	16	NOTICE OF APPEAL by Tasker Generes from motion minute order [15-2] (Fee Paid); with Notice of filing and attachments. (pw) [Entry date 03/25/94]
3/24/94	16	NOTICE by Tasker Generes regarding appeal [16-1]; with Notice of appeal and attachments. (pw) [Entry date 03/25/94]
3/24/95	17	JURISDICTIONAL STATEMENT by Tasker Generes regarding appeal [16-1]; Notice of filing. (pw) [Entry date 03/25/94]
3/25/94	–	TRANSMITTED: Short record on appeal to the 7th Circuit comprising of transmittal letter, copy of notice of appeal, Circuit Information Sheet, copy of jurisdictional statement, copy

		of order entered 03/14/94, and copy of docket entries. (pw)
3/25/94	–	MAILED: Copies of notice of appeal, USCA 7th Circuit transcript information sheet, Rule 16(c) letter and docket entries to: Lynn D. Dowd. (pw)
3/30/94	18	ACKNOWLEDGMENT of receipt of short record-on—appeal USCA 94-1647 (11) [Entry date 04/01/94]
4/15/94	19	MINUTE ORDER of 4/15/94 - by Hon. George M. Marovich : Costs are taxed in favor of defendants and against plaintiff in the amount of $312.95. Mailed notice (11) [Entry date 04/18/94]
4/15/94	20	BILL OF COSTS submitted (11) [Entry date 014/18/94]
4/15/94	–	COSTS taxed for defendants Edward L Morrell, Patricia
		Morrell in the amount of $ 312.95 against appellant Tasker
		Generes (Attachments). (11) [Entry date 04/18/94]

DOCKET (PRINTED 01/25/96 AT 13:07)
GENERAL DOCKET
U.S. COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Nsuit: 0
94-1647
Generes, Tasker v. Morrell, Edward L.
Appeal from: United States District Court

bankruptcy - dc - none
Filed: 3/25/94
Fee status: paid

Prior cases:
None
Current cases:

Cross-appeal:

Lead	Member	Start	End
94-1647	94-2213	5/23/94	

Lower Court Information

Northern District of Illinois, Eastern Division: 93 C 5884 Court Reporter: Geraldine Monahan, Court Reporter Ordering Judge: George M. Marovich, Judge Date Filed: 9/27/93 Date order/judgment: 3/14/94 Date NOA filed: 3/24/94

Caption

IN THE MATTER OF :
DOROTHY GENERES,
DEBTOR
AND

TASKER GENERES,
Debtor - Appellant

Counsel Information

EDWARD L. MORRELL
Appellee

PATRICIA MORRELL
Appellee

Mark E. King.

TASKER GENERES Debtor - Appellant	Christopher R. Smith 312/853-3230 Suite 1800 [COR LD NTC tr] SMITH, WILLIAMS, & LODGE 55 W. Monroe Street Chicago, IL 60603 USA Lynn D. Dowd 312/ 634-1100 Suite 300 [COR LD NTC ret] LEVIN, MCPARLAND, PHILLIPS, LEYDIG & HABERKORN 180 N. Wacker Drive Chicago, IL 60606 USA

3/25/94	Bankruptcy case docketed. [94-1647] [588235-1] Appearance form due on 4/25/94 for Christopher R. Smith, for Lynn D. Dowd, for David B. Kahn. Transcript information sheet due 4/4/94 for Lynn D. Dowd, for Christopher R. Smith. Appellant's brief due 5/4/94 for Tasker Generes. (cfre) [94-1647]
3/25/94	[94-1647] NOA from No. Dist. of Il., E. Div. due 4/7/94. (cfre) [94-1647]
3/28/94	Filed Appellant Tasker Generes jurisdictional statement. [94-1647] [S88262-1] (cfre) [94-1647]
3/28/94	Added attorney Michael M. Tannen per appearance form. Appearance form filed for Appellant Tasker Generes by

	attorney Lynn D. Dowd, Michael M. Tannen. [94-1647] [588235-1] (elea) [94-1647]
4/4/94	Filed Seventh Circuit Transcript Information Sheet by Lynn D. Dowd for Appellant Tasker Generes. [94-1647] [588235-1] (jess) [94-1647]
4/20/94	Original record on appeal filed. Contents of record: 1 vol. pleadings;. [94-1647] [596456-1] (duda) [94-1647]
4/21/94	Added attorney Mark E. King per appearance form filed for Appellee Edward L. Morrell, Appellee Patricia Morrell by attorney Mark E. King, David B. Kahn [94-1647] [588235-1] (elea) [94-1647]
4/28/94	Filed motion by Appellant Tasker Generes to extend time to file appellant's brief. [599253-1] [94-1647] (jess) [94-1647]
5/2/94	ORDER issued GRANTING motion for extension of time to file appellant's brief. [599253-1] ak [94-1647] Appellant's brief due 6/13/94 for Tasker Generes . 2. The appellee(s) brief is due on or before 7/13/94 for Patricia Morrell, for Edward L. Morrell 3. The reply brief if any is due on 7/27/94 for Tasker Generes (jess) [94-1647]
5/13/94	Filed motion by attorney Lynn D. Dowd to withdraw as counsel for the Appellant Tasker Generes. [604428-1] [604428-1] [94-1647] (conw) [94-1647]
5/16/94	ORDER issued GRANTING motion to withdraw as counsel [604428-1] and attorney Lynn D. Dowd for Dorothy Generes, attorney Lynn D. Dowd for Tasker Generes may withdraw from further representation in this appeal. am [94-1647] Mr. Michael M. Tannen shall file the necessary appearance and certificate of interest by 5/23/94 if he has not already done so. (carl) [94-1647]

5/31/94	ORDER: The court orders these appeals CONSOLIDATED for purposes of briefing and disposition. Briefing shall proceed as follows: [588235-1] dw [94-1647, 94-2213] 1. Appellant's brief on main appeal is due 6/13/94 for Tasker Generes in 94-1647 2. Appellee's in main apl. and A's br. in xap. due 7/13/94 for Patricia Morrell in 94-1647, for Edward L. Morrell in 94-1647, for Patricia Morrell in 94-2213, for Edward L. Morrell in 94-2213 3. Reply br. in main apl. and E's brief in xap. due 8/12/94 for Tasker Generes in 94-1647, for Tasker Generes in 94-2213 4. Reply brief, if any, on cross-appeal due 8/26/94 for Patricia Morrell in 94-2213, for Edward L. Morrell in 94-2213 (jess) [94-1647 94-2213]
6/6/94	Filed joint motion by Appellant Tasker Generes in 94-1647, Appellee Edward L. Morrell in 94-1647, Appellee Patricia Morrell in 94-1647, Appellee Tasker Generes in 94-2213, Appellant Edward L. Morrell in 94-2213, Appellant Patricia Morrell in 94-2213, Appellee Dorothy Generes in 94-2213 to stay briefing schedule and jurisdictional statement and for prehearing conference. [611278-1] [94-1647, 94-2213] (conw) [94-1647 94-2213]
6/7/94	Original record on appeal filed. Contents of record: 1 vol. pleadings; . [94-2213] [611422-1] (lori) [94-2213]
6/16/94	Filed Appellant Edward L. Morrell in 94-2213, Appellant Patricia Morrell in 94-2213 jurisdictional statement. [94-2213] [614476-1] (gina) [94-2213]
6/22/94	ORDER: The Court on its own motion filed ORDER to suspend briefing. [616339-1] Briefing is SUSPENDED pending a ruling on plaintiff Generes' motion for a prehearing conference. [611278-1] dw [94-1647, 94-2213] (jess) [94-1647 94-2213]
6/23/94	ORDER issued GRANTING joint motion for a prehearing conference. The parties are ordered to meet with the court's Senior Staff Attorney, Donald J. Wall, on 7/7/94 at 9:30

	a.m. in the court's Auxiliary Courtroom to discuss settlement of these consolidated appeals. [611278-1] in 94-1647, 94-2213 dw [94-1647, 94-2213] (jess) [94-1647 94-2213]
7/13/94	ORDER: Counsel for the parties had a settlement conference with Donald J. Wall, Senior Staff Attorney for the Court. In the conference, the following matters were agreed to, and IT IS SO ORDERED: Briefing shall proceed as follows: [588235-1] dw [94-1647, 94-2213] 1. Appellant's brief on main appeal is due 9/21/94 for Tasker Generes in 94-1647 2. Appellee's in main apl. and A's br. in xap. due 10/21/94 for Patricia Morrell in 94-1647, for Edward L. Morrell in 94-1647, for Patricia Morrell in 94-2213, for Edward L. Morrell in 94-2213 3. Reply br. in main apl. and E's brief in xap. due 11/21/94 for Tasker Generes in 94-1647, for Tasker Generes in 94-2213 4. Reply brief, if any, on cross-appeal due 12/5/94 for Patricia Morrell in 94-2213, for Edward L. Morrell in 94-2213 (jess) [94-1647 94-2213]
9/22/94	Filed motion by attorney Michael M. Tannen in 94-1647, Michael M. Tannen in 94-2213 to withdraw as counsel for Appellant Tasker Generes in 94-1647, Appellee Tasker Generes in 94-2213, Appellee Dorothy Generes in 94-2213 [645510-1] [645510-1] [94-1647, 94-2213] tcarl) [94-1647 g4-2213]
9/26/94	ORDER issued GRANTING motion to withdraw as counsel [645510-1] and attorney Michael M. Tannen for Tasker Generes in 94-1647 may withdraw from further representation in this appeal in 94-1647, 94-2213. ak [94-1647, 94-2213] (patb) [94-1647 94-2213]
9/26/94	ORDER: Briefing shall proceed as follows: [607471-1] ak [94-1647, 94-2213] 1. Appellant's brief on main appeal is due 10/24/94 for Tasker Generes in 94-1647. 2. Appellee's in main apl. and A's br. in xap. due 11/23/94 for Patricia Morrell in 94-1647, for Edward L. Morrell in 94-1647, for

	Patricia Morrell in 94-2213, for Edward L. Morrell in 94-2213. 3. Reply br. in main apl. and E's brief in xap. due 12/23/94 for Tasker Generes in 94-1647, for Tasker Generes in 94-2213. 4. brief, if any, on cross-appeal due 1/6/95 for Patricia Morrell in 94-2213, for Edward L. (patb) [94-1647 94-2213]
10/24/94	Filed prose motion by Appellant Tasker Generes in 94-1647 to extend time to file appellant's brief on main appeal. [655756-1] [94-1647] (carl) [94-1647]
11/2/94	Filed Appellee Edward L. Morrell in 94-1647, Appellee Patricia Morrell in 94-1647, Appellant Edward L. Morrell in 94-2213, Appellant Patricia Morrell in 94-2213, opposition to Appellant Tasker Generes in 94-1647, Appellee Tasker Generes in 94-2213 motion to extend time to file appellant's brief on main appeal. [659351-1] [94-1647, 94-2213] [659351-1] (patb) [94-1647 94-2213]
11/3/94	ORDER issued GRANTING motion for extension of time to file appellant's br on main appeal. [659351-1] ak [94-1647, 94-2213] 1. Appellant's brief on main appeal is due ll/25/94 for Tasker Generes in 94-1647 2. Appellee's in main apl. and A's br. in xap. due 12/27/94 for Patricia Morrell in 94-1647, for Edward L. Morrell in 94-1647, for Patricia Morrell in 94-2213, for Edward L. Morrell in 94-2213 3. Reply br. in main apl. and E's brief in xap. due 1/27/95 for Tasker Generes in 94-1647, for Tasker Generes in 94-2213 4. Reply brief, if any, on cross-appeal due 2/10/9S for Patricia Morrell in 94-2213, for Edward L. Morrell in 94-2213. Debtor-appellant is advised that no further extension of time will be allowed. (conw) [94-1647 94-2213]
11/29/94	Filed instanter motion by Appellant Tasker Generes in 94-1647 to file appellant's brief on main appeal. 15c plaintiff Tasker Generes' opening brief tendered. [94-1647] (patb) [94-1647]

11/29/94	ORDER issued GRANTING instanter motion to file appellant's brief on main appeal. [670788-1] The clerk of this court is directed to file instanter the tendered copies of the opening brief of appellant Tasker Generes. [670788-1] AK [94-1647, 94-2213] 1. Appellee's in main apl. and Aps br. in xap. due 12/29/94 for Patricia Morrell in 94-1647, for Edward L. Morrell in 94-1647, for Patricia Morrell in 94-2213, for Edward L. Morrell in 94-2213. 2. Reply br. in main apl. and E's brief in xap. due 1/30/95 for Tasker Generes in 94-1647, for Tasker Generes in 94-2213. 3. Reply brief, if any, on cross-appeal due 2/13/95 for Patricia Morrell in 94-2213, for Edward L. Morrell in 94-2213. (patb) [94-1647 94-2213]
11/29/94	Filed 15c appellant's brief in main appeal by Tasker
	Generes in 94-1647, per order. [94-1647] [670792-1] (patb)
	[94-1647]
11/29/94	Filed l0c appendix by Appellant Tasker Generes in 94-1647, per order. [94-1647] [670793-1] (patb) [94-1647]
11/29/94	Added attorney Lynn D. Dowd per appearance form. Appearance form filed for Appellant Tasker Generes in 94-1647, Appellee Tasker Generes in 94-2213 by attorney Lynn D. Dowd in 94-1647, Lynn D. Dowd in 94-2213. [94-1647, 94-2213] [607471-1] (jonp) [94-1647 94-2213]
12/21/94	Filed motion by Appellee Edward L. Morrell in 94-1647, Appellee Patricia Morrell in 94-1647, Appellant Edward L. Morrell in 94-2213, Appellant Patricia Morrell in 94-2213 to extend time to file appellee's, cross-appellant's brief. [676058-1] [94-1647, 94-2213] (patb) [94-1647 94-2213]
12/21/94	ORDER issued GRANTING motion for extension of time to file appellee's x-appellants brief. [676058-1] in 94-1647, 94-2213 AK [94-1647, 94-2213] 1 . Appellee's in main

	apl. and A's br. in xap. due 1/13/95 for Patricia Morrell in 94-1647, for Edward L. Morrell in 94-1647, for Patricia Morrell in 94-2213, for Edward L. Morrell in 94-2213. 2. Reply br. in main apl. and E's brief in xap. due 2/13/95 for Tasker Generes in 94-1647, for Tasker Generes in 94-2213. 3. Reply brief, if any, on cross-appeal due 2/27/95 for Patricia Morrell in 94-2213, for Edward L. Morrell in 94-2213. (patb) [94-1647 94-2213]
12/21/94	Filed 15c appellee, cross-appellant's brief by Edward L.
	Morrell in 94-1647, Patricia Morrell in 94-1647, Edward L.
	Morrell, Patricia Morrell in 94-2213. [94-1647,
	94-2213] [682900-1] (patb) [94-1647 94-2213]
2/6/95	Filed motion by Appellant Tasker Generes in 94-1647, Appellee Tasker Generes in 94-2213 to extend time to file appellant's reply, cross-appellee's brief. [690852-1] [94-1647, 94-2213] (patb) [94-1647 94-2213]
2/7/95	ORDER issued GRANTING motion for extension of time to file a's reply,x-appellee's brief. [690852-1] in 94-1647, 94-2213 AK [94-1647, 94-2213] 1. Reply br. in main apl. and E's brief in xap. due 3/6/95 for Tasker Generes in 94-1647, for Tasker Generes in 94-2213 2. Reply brief, if any, on cross-appeal due 3/20/95 for Patricia Morrell in 94-2213, for Edward L. Morrell in 94-2213 (jenp) [94-1647 94-2213]
3/7/95	Filed 15c reply brief in main appeal and cross-appellee's brief by Tasker Generes in 94-1647 and 94-2213. [94-1647, 94-2213] [703304-1] (juli) [94-1647 94-2213]
3/20/95	Filed 15c appellant's reply brief in cross-appeal by Patricia Morrell in 94-2213, Edward L. Morrell in 94-2213. [94-2213] [705299-1] (jenp) [94-2213]
3/22/95	ORDER: Argument set for Monday, April 17, 1995 at 2:00

	p.m. Each side limited to 15 minutes. [94-1647, 94-2213] [706240-1] (broo) [94-1647 94-2213]
3/27/95	NOTICE: Lynn D. Dowd for Appellant Tasker Generes, Appellant Tasker Generes, Dorothy Generes in 94-1647 will not be available for oral argument May 3 - 12, 1995. [94-1647, 94-2213] [607471-1] (broo) [94-1647 94-2213]
4/6/95	ORDER: Argument reset for Monday, April 17, 1995 at 11:00 a.m. Each side limited to 15 minutes. [94-1647, 94-2213] [711646-1] (broo) [94-1647 94-2213]
4/17/95	Case heard and taken under advisement by panel: Circuit Judge Walter J. Cummings, Circuit Judge John L. Coffey, Circuit Judge Frank H. Easterbrook. [94-1647, 94-2213] [715364-1] (broo) [94-1647 94-2213]
4/17/95	Case argued by Lynn D. Dowd for Appellant Tasker Generes, Appellant Tasker Generes, Dorothy Generes in 94-1647, Mark E. King for Appellee Patricia Morrell, Appellee Edward L. Morrell in 94-1647, Mark E. King for Appellant Edward L. Morrell, Appellant Patricia Morrell in 94-2213, Lynn D. Dowd for Appellee Tasker Generes in 94-2213 . [94-1647, 94-2213] [58@235-1] (broo) [94-1647 94-2213]
7/25/95	Filed oversized record in Section # 14 of exhibit room: 1 box containing assorted briefs. [607471-1] [94-1647, 94-2213] (cove) [94-1647 94-2213]
10/16/95	Filed Dorothy Generes in 94-1647, Appellant Tasker Generes in 94-1647, Appellee Tasker Generes in 94-2213 Citation of Additional Authority, per CR 28(j). Dist. [94-1647, 94-2213] [770093-1] (patb) [94-1647 94-2213]
11/3/95	Filed opinion of the court by Judge Coffey. AFFIRMED as to 94-1647 and REVERSED as to 94-2213. Pursuant to Circuit Rule 38, we must provide reasonable notice to

	counsel that we are contemplating sanctions and give an opportunity to respond. Counsel for Generes shall submit a response to the question of the amount of sanctions imposed to the clerk of this court within fifteen days of the date of this opinion. Counsel for the Morrells shall also submit to the clerk of this court within fifteen days an accounting of attorney's fees and cost incurred in this appeal. Circuit Judge Walter J. Cummings, Circuit Judge John L. Coffey, Circuit Judge Frank H. Easterbrook. [94-1647, 94-2213] [607471-1] (jimm) [94-1647 94-2213]
11/3/95	ORDER: Final judgment filed per opinion. With costs: y. [94-1647, 94-2213] [776165-1] (jimm) [94-1647 94-2213]
11/3/95	Pursuant to Circuit Rule 38, we must provide reasonable notice to counsel that we are contemplating sanctions and give an opportunity to respond. Counsel for Generes shall submit a response to the question of the amount of sanctions imposed to the clerk of this court within fifteen days of the date of this opinion. [607471-1] [94-1647, 94-2213] Response due 11/20/95 for Christopher R. Smith in 94-1647, for Lynn D. Dowd in 94-1647, for Lynn D. Dowd in 94-2213, for Michael M. Tannen in 94-2213. (jimm) [94-1647 94-2213]
11/3/95	Counsel for the Morrells shall also submit to the clerk of this court within fifteen days an accounting of attorney's fees and cost incurred in this appeal. [607471-1] [94-1647, 94-2213] Statement in regards to the amount of sanctions due 11/20/95 for David B. Kahn and for Mark E. King in 94-1647 and 94-2213. (jimm) [94-1647 94-2213]
11/17/95	Filed Appellee Edward L. Morrell in 94-1647, Appellee Patricia Morrell in 94-1647, Appellant Patricia Morrell in 94-2213, Appellant Edward L. Morrell in 94-2213 Bill of Costs in the amount of $ 226.21. [94-1647, 94-2213] [607471-1] (fran) [94-1647 94-2213]

11/17/95	Filed David B. Kahn for Appellee Patricia Morrell, Appellee Edward L. Morrell in 94-1647, Mark E. King for Appellee Patricia Morrell, Appellee Edward L. Morrell in 94-1647, David B. Kahn for Appellant Edward L. Morrell, Appellant Patricia Morrell in 94-2213, Mark E. King for Appellant Edward L. Morrell, Appellant Patricia Morrell in 94-2213 statement regarding amount of sanctions due. [94-1647, 94-2213] [607471-1] (carl) [94-1647 94-2213]
11/20/95	Filed attorney(s) Lynn D. Dowd in 94-1647, Lynn D. Dowd in 94-2213 response to the court CR 38 notice. [588235-1] [94-1647, 94-2213] (carl) [94-1647 94-2213]
11/20/95	Added attorney Jerold S. Solovy and Laura A. Kaster per appearance form. Appearance form filed for Lynn Dowd, the attorney for appellant/cross-appellee Tasker Generes, for purposes of Rule 38 proceedings. Appearance form filed by attorneys Jerold S. Solovy and Laura A. Kaster. [94-1647, 94-2213] [690852-1] (jimm) [94-1647 94-2213]
11/20/95	Filed response regarding sanctions by appellant Tasker Generes in 94-1647 and 94-2213. [94-1647, 94-2213] [607471-1] (jimm) [94-1647 94-2213]
11/27/95	MANDATE ISSUED WITH BILL OF COSTS IN THE AMOUNT OF $226.21. RECORD ON APPEAL TO BE RETURNED LATER. (Contents to be returned: 2 vol. pleadings; .) [94-1647, 94-2213] [781295-1] (carl) [94-1647 94-2213]
11/29/95	Filed mandate receipt. [94-1647, 94-2213] [783319-1] (jame) [94-1647 94-2213]
1/11/96	ORDER re: STATEMENT REGARDING AMOUNT OF SANCTIONS DUE, filed on November 17, 1995, IT IS ORDERED that the appellees/cross-appellants supplement

	the statement with an itemization of the specific billing that constitutes the $20,095 in attorney's fees. The supplement is due on or before January 22, 1996. AM [94-1647, 94-2213] Supplement due 1/22/96 for Patricia Morrell and Edward L. Morrell in 94-1647 and 94-2213. (jimm) [94-1647 94-2213]
1/22/96	Supplement to REQUEST FOR ATTORNEY'S FEES filed by Appellee Edward L. Morrell and Appellee Patricia Morrell in 94-1647 and 94-2213. [94-1647, 94-2213] [800496-1] (jimm) [94-1647 94-2213]

GENERAL DOCKET
U.S. COURT OF APPEALS FOR THE SEVENTH CIRCUIT
MORRELL'S APPEAL.

Lower Court Information

Northern District of Illinois, Eastern Division: 93 C 5884
Ordering Judge: George M. Marovich, Judge
Court Reporter: Geraldine Monahan, Court Reporter
Date Filed: 9/27/93
Date order/judgment: 4/21/94
Date NOA filed: 5/20/94

Caption

IN THE MATTER OF:
DOROTHY GENERES,
Debtor

TASKER GENERES,
Debtor - Appellee

APPEAL OF: EDWARD L. MORRELL and PATRICIA MORRELL

Counsel Information

EDWARD L. MORRELL	David B. Kahn
Appellant	708/501-5083
	Suite 100
	[COR NTC ret]
	Mark E. King
	708/501-5083
	Suite 100
	[COR LD NTC ret]
	KAHN & ASSOCIATES
	1 Northfield Plaza
PATRICIA MORRELL	David B. Kahn
Appellant	708/501-5083
	Suite 100
	[COR NTC ret]
	Mark E. King
	708/501-5083
	Suite 100
	[COR LD NTC ret]
	KAHN & ASSOCIATES
	1 Northfield Plaza
	Northfield, IL 60093
v	USA
TASKER GENERES	Lynn D. Dowd
Debtor	312/634 -1100
	Suite 300
	[COR LD NTC ret]
	LEVIN, MCPARLAND, PHILLIPS,
	LEYDIG & HABERKORN
	180 N. Wacker Drive
	Chicago, IL 60606
	USA

SEVENTH CIRCUIT COURT OF APPEALS
Docket 94-2213, Generes, Tasker, et al. v. Morrell, Edward L.

5/23/94	Bankruptcy case docketed. [94-2213] [588235-1] Appearance form due on 6/22/94 for David B. Kahn, for Mark E. King, for Christopher R. Smith. Transcript information sheet due 6/2/94 for David B. Kahn, for Mark E. King. Appellant' 9 brief due 7/5/94 for Edward L. Morrell, for Patricia Morrell. Jurisdictional statement due 5/27/94 for Edward L. Morrell, for Patricia Morrell. (carl) [94-2213]
5/23/94	[94-2213] NOA from No. Dist. of Il., E. Div. due 6/3/94. (carl) [94-2213]
5/27/94	Terminated attorney Christopher R. Smith for Tasker Generes in 94-2213 per appearance form filed by attorney Abraham Brustein. [94-2213] [588235-1] (chry) [94-2213]
5/31/94	ORDER: The court orders these appeals CONSOLIDATED for purposes of briefing and disposition. Briefing shall proceed as follows: [588235-1] dw [94-1647, 94-2213] 1. Appellant's brief on main appeal is due 6/13/94 for Tasker Generes in 94-1647 2. Appellee's in main apl. and A's br. in xap. due 7/13/94 for Patricia Morrell in 94-1647, for Edward L. Morrell in 94-1647, for Patricia Morrell in 94-2213, for Edward L. Morrell in 94-2213 3. Reply br. in main apl. and E's brief in xap. due 8/12/94 for Tasker Generes in 94-1647, for Tasker Generes in 94-2213 4. Reply brief, if any, on cross-appeal due 8/26/94 for Patricia Morrell in 94-2213, for Edward L. Morrell in 94-2213 (jess) [94-1647 94-2213]

6/2/94	ORDER: Appellant is directed to file the overdue jurisdictional statement to the clerk within 14 days from the date of this Rule to Show Cause. [588235-1] ak [94-2213] Jurisdictional statement due 6/16/94 for Patricia Morrell, for Edward L. Morrell . (fran) [94-2213]
6/6/94	Filed joint motion by Appellant Tasker Generes in 94-1647, Appellee Edward L. Morrell in 94-1647, Appellee Patricia Morrell in 94-1647, Appellee Tasker Generes in 94-2213, Appellant Edward L. Morrell in 94-2213, Appellant Patricia Morrell in 94-2213, Appellee Dorothy Generes in 94-2213 to stay briefing schedule and jurisdictional statement and for prehearing conference. [611278-1] [94-1647, 94-2213] (conw) [94-1647 94-2213]
6/7/94	Original record on appeal filed. Contents of record: 1 vol. pleadings; . [94-2213] [611422-1] (lori) [94-2213]
6/9/94	Appearance form filed by attorney(s) David B. Kahn in 94-2213, Mark E. King in 94-2213 for Appellant Edward L. Morrell in 94-2213, Appellant Patricia Morrell in 94-2213. [94-2213] [607471-1] (cfre) [94-2213]
6/16/94	Filed Appellant Edward L. Morrell in 94-2213, Appellant Patricia Morrell in 94-2213 jurisdictional statement. [94-2213] [614476-1] (gina) [94-2213]
6/22/94	ORDER: The Court on its own motion filed ORDER to suspend briefing. [616339-1] Briefing is SUSPENDED pending a ruling on plaintiff Generes' motion for a prehearing conference. [611278-1] dw [94-1647, 94-2213] (jess) [94-1647 94-2213]
6/23/94	ORDER issued GRANTING joint motion for a prehearing conference. The parties are ordered to meet

	with the court's Senior Staff Attorney, Donald J. Wall, on 7/7/94 at 9:30 a.m. in the court's Auxiliary Courtroom to discuss settlement of these consolidated appeals. [611278-1] in 94-1647, 94-2213 dw [94-1647, 94-2213] (jess) [94-1647 94-2213]
7/13/94	ORDER: Counsel for the parties had a settlement conference with Donald J. Wall, Senior Staff Attorney for the Court. In the conference, the following matters were agreed to, and IT IS SO ORDERED: Briefing shall proceed as follows: [585235-1] dw [94-1647, 94-2213] 1. Appellant's brief on main appeal is due 9/21/94 for Tasker Generes in 94-1647 2. Appellee's in main apl. and A's br. in xap. due 10/21/94 for Patricia Morrell in 94-1647, for Edward L. Morrell in 94-1647, for Patricia Morrell in 94-2213, for Edward L. Morrell in 94-2213 3. Reply br. in main apl. and E's brief in xap. due 11/21/94 for Tasker Generes in 94-1647, for Tasker Generes in 94-2213 4. Reply brief, if any, on cross-appeal due 12/5/94 for Patricia Morrell in 94-2213, for Edward L. Morrell in 94-2213 (jess) [94-1647 94-2213]
9/22/94	Filed motion by attorney Michael M. Tannen in 94-1647, Michael M. Tannen in 94-2213 to withdraw as counsel for the Appellant Tasker Generes in 94-1647, Appellee Tasker Generes in 94-2213, Appellee Dorothy Generes in 94-2213 . [645510-1] [645510-1] [94-1647, 94-2213] (carl) [94-1647 94-2213]
9/26/94	ORDER issued GRANTING motion to withdraw as counsel [645510-1] and attorney Michael M. Tannen for Tasker Generes in 94-1647 may withdraw from further representation in this appeal in 94-1647, 94-2213. ak [94-1647, 94-2213] (patb) [94-1647 94-2213]
9/26/94	ORDER: Briefing shall proceed as follows: [607471-1]

	ak [94-1647, 94-2213] 1. Appellant's brief on main appeal is due 10/24/94 for Tasker Generes in 94-1647. 2. Appellee's in main apl. and A's br. in xap. due 11/23/94 for Patricia Morrell in 94-1647, for Edward L. Morrell in 94-1647, for Patricia Morrell in 94-2213, for Edward L. Morrell in 94-2213. 3. Reply br. in main apl. and E's brief in xap. due 12/23/94 for Tasker Generes in 94-1647, for Tasker Generes in 94-2213. 4. brief, if any, on cross-appeal due 1/6/95 for Patricia Morrell in 94-2213, for Edward L. Morrell in 94-2213. (patb) [94-1647 94-2213]
10/24/94	Filed prose motion by Appellant Tasker Generes in 94-1647 to extend time to file appellant's brief on main appeal. [655756-1] [94-1647] (carl) [94-1647]
11/2/94	Filed Appellee Edward L. Morrell in 94-1647, Appellee Patricia Morrell in 94-1647, Appellant Edward L. Morrell in 94-2213, Appellant Patricia Morrell in 94-2213, opposition to Appellant Tasker Generes in 94-1647, Appellee Tasker Generes in 94-2213 motion to extend time to file appellant's brief on main appeal. [659351-1] [94-1647, 94-2213] [659351-1] (patb) [94-1647 94-2213]
11/3/94	ORDER issued GRANTING motion for extension of time to file appellant's br on main appeal. [659351-1] ak [94-1647, 94-2213] 1. Appellant's brief on main appeal is due 11/25/94 for Tasker Generes in 94-1647 2. Appellee's in main apl. and A's br. in xap. due 12/27/94 for Patricia Morrell in 94-1647, for Bdward L. Morrell in 94-1647, for Patricia Morrell in 94-2213, for Edward L. Morrell in 94-2213 3. Reply br. in main apl. and E's brief in xap. due 1/27/95 for Tasker Generes in 94-1647, for Tasker Generes in 94-2213 4. Reply brief, if any. on cross-appeal due 2/10/95 for Patricia Morrell in 94-2213, for Edward L. Morrell in 94-2213. Debtor-appellant is advised that no further extension of time will be allowed. (conw) [94-1647 94-2213]

11/29/94	Filed instanter motion by Appellant Tasker Generes in 94-1647 to file appellant's brief on main appeal. 15c plaintiff Tasker Generes' opening brief tendered. [94-1647] (patb) [94-1647]
11/29/94	ORDER issued GRANTING instanter motion to file appellant's brief on main appeal. [670788-1] The clerk of this court is directed to file instanter the tendered copies of the opening brief of appellant Tasker Generes. [670788-1] AK
	[94-1647, 94-2213] 1. Appellee's in main apl. and A's br. in xap. due 12/29/94 for Patricia Morrell in 94-1647, for Edward L. Morrell in 94-1647, for Patricia Morrell in 94-2213, for Edward L. Morrell in 94-2213. 2. Reply br. in main apl. and E's brief in xap. due 1/30/95 for Tasker Generes in 94-1647, for Tasker Generes in 94-2213. 3. Reply brief, if any, on cross-appeal due 2/13/95 for Patricia Morrell in 94-2213, for Edward L. Morrell in 94-2213. (patb)
	[94-1647 94-2213]
11/29/94	Filed 15c appellant's brief in main appeal by Tasker Generes in 94-1647, per order. [94-1647] [670792-1] (patb) [94-1647]
11/29/94	Filed 10c appendix by Appellant Tasker Generes in 94-1647, per order. [94-1647] [670793-1] (patb) [94-1647]
11/29/94	Added attorney Lynn D. Dowd per appearance form. Appearance form filed for Appellant Tasker Generes in 94-1647, Appellee Tasker Generes in 94-2213 by attorney Lynn D. Dowd in 94-1647, Lynn D. Dowd in 94-2213. [94-1647, 94-2213] [607471-1] (jonp) [94-1647 94-2213]
12/21/94	Filed motion by Appellee Edward L. Morrell in

	94-1647 Appellee Patricia Morrell in 94-1647, Appellant Edward L Morrell in 94-2213, Appellant Patricia Morrell in 94-2213 to extend time to file appellee's, cross-appellant's brief. [676058-1] [94-1647, 94-2213] (patb) [94-1647 94-2213]
12/21/94	ORDER issued GRANTING motion for extension of time to file appellee's x-appellants brief. [676058-1] in 94-1647, 94-2213 AK [94-1647, 94-2213] 1. Appellee's in main apl. and A's br. in xap. due 1/13/95 for Patricia Morrell in 94-1647, for Edward L. Morrell in 94-1647, for Patricia Morrell in 94-2213, for Edward L. Morrell in 94-2213. 2. Reply br. in main apl. and E's brief in xap. due 2/13/95 for Tasker Generes in 94-1647, for Tasker Generes in 94-2213. 3. Reply brief, if any, on cross-appeal due 2/27/95 for Patricia Morrell in 94-2213, for Edward L. Morrell in 94-2213. (patb) [94-1647 94-2213]
1/13/95	Filed 15c appellee, cross-appellant's brief by Edward L. Morrell in 94-1647, Patricia Morrell in 94-1647, Edward L. Morrell in 94-2213, Patricia Morrell in 94-2213. [94-1647, 94-2213] [682900-1] (patb) [94-1647 94-2213]
2/6/95	Filed motion by Appellant Tasker Generes in 94-1647, Appellee Tasker Generes in 94-2213 to extend time to file appellant's reply, cross-appellee's brief. [690852-1] [94-1647, 94-2213] (patb) [94-1647 94-2213]
2/7/95	ORDER issued GRANTING motion for extension of time to file a's reply,x-appellee's brief. [690B52-1] in 94-1647, 94-2213 AK [94-1647, 94-2213] 1. Reply br. in main apl. and E's brief in xap. due 3/6/95 for Tasker Generes in 94-1647, for Tasker Generes in 94-2213 2. Reply brief, any, on cross-appeal due 3/20/95 for Patricia Morrell in 94-2213, for Edward L. Morrell in 94-2213 (jenp) [94-1647 94-2213]

3/7/95	Filed 15c reply brief in main appeal and cross-appellee's brief by Tasker Generes in 94-1647 and 94-2213. [94-1647, 94-2213] [703304-l] (juli) [94-1647 94-2213]
3/20/95	Filed 15c appellant's reply brief in cross-appeal by Patricia Morrell in 94-2213, Edward L. Morrell in 94-2213. [94-2213] [705299-l] (jenp) [94-2213]
3/22/95	ORDER: Argument set for Monday, April 17, 1995 at 2:00 p.m. Each side limited to 15 minutes. [94-1647, 94-2213] [706240-1] (broo) [94-1647 94-2213]
3/27/95	NOTICE: Lynn D. Dowd for Appellant Tasker Generes, Appellant Tasker Generes, Dorothy Generes in 94-1647 will not be available for oral argument May 3 - 12, 1995. [94-1647, 94-2213] [607471-1] (broo) [94-1647 94-2213]
4/6/95	ORDER: Argument reset for Monday, April 17, 1995 at 11:00 a.m. Each side limited to 15 minutes. [94-1647, 94-2213] [711646-1] (broo) [94-1647 94-2213]
4/17/95	Case heard and taken under advisement by panel: Circuit Judge Walter J. Cummings, Circuit Judge John L. Coffey Circuit Judge Frank H. Easterbrook. [94-1647, 94-2213] [715364-1] (broo) [94-1647 94-2213]
4/17/95	Case argued by Lynn D. Dowd for Appellant Tasker Generes, Appellant Tasker Generes, Dorothy Generes in 94-1647, Mark E. King for Appellee Patricia Morrell, Appellee Edward L. Morrell in 94-1647, Mark E. King for Appellant Edward L. Morrell, Appellant Patricia Morrell in 94-2213, Lynn D. Dowd for Appellee Tasker Generes in 94-2213 . [94-1647, 94-2213] [588235-1] (broo) [94-1647 94-2213]

7/25/95	Filed oversized record in Section # 14 of exhibit room: 1 box containing assorted briefs. [607471-1] [94-1647, 94-2213] (cove) [94-1647 94-2213]
10/16/95	Filed Dorothy Generes in 94-1647, Appellant Tasker Generes in 94-1647, Appellee Tasker Generes in 94-2213 Citation of Additional Authority, per CR 28(j). Dist. [94-1647, 94-2213] [770093-1] (patb) [94-1647 94-2213]
10/16/95	Filed opinion of the court by Judge Coffey. AFFIRMED as to 94-1647 and REVERSED as to 94-2213. Pursuant to Circuit Rule 38, we must provide reasonable notice to counsel that we are contemplating sanctions and give an opportunity to respond. Counsel for Generes shall submit a response to the question of the amount of sanctions imposed to the clerk of this court within fifteen days of the date of this opinion. Counsel for the Morrells shall also submit to the clerk of this court within fifteen days an accounting of attorney's fees and cost incurred in this appeal. Circuit Judge Walter J. Cummings, Circuit Judge John L. Coffey, Circuit Judge Frank H. Easterbrook. [94-1647, 94-2213] [607471-1] (jimm) [94-1647 94-2213]
11/3/95	ORDER: Final judgment filed per opinion. With costs: y. [94-1647, 94-2213] [776165-l] (jimm) [94-1647 94-2213]
11/3/95	Pursuant to Circuit Rule 38, we must provide reasonable notice to counsel that we are contemplating sanctions and give an opportunity to respond. Counsel for Generes shall submit a response to the question of the amount of sanctions imposed to the clerk of this court within fifteen days of the date of this opinion. [607471-1] [94-1647, 94-2213] Response due 11/20/95 for Christopher R. Smith in 94-1647, for Lynn D. Dowd

	in 94-1647, for Lynn D. Dowd in 94-2213, for Michael M. Tannen in 94-2213. (jimm) [94-1647 94-2213]
11/3/95	Counsel for the Morrells shall also submit to the clerk of this court within fifteen days an accounting of attorney's fees and cost incurred in this appeal. [607471-l] [94-1647, 94-2213] Statement in regards to the amount of sanctions due ll/20/95 for David B. Kahn and for Mark E. King in 94-1647 and 94-2213. (jimm) [94-1647 94-2213]
11/17/95	Filed Appellee Edward L. Morrell in 94-1647, Appellee Patricia Morrell in 94-1647, Appellant Patricia Morrell in 94-2213, Appellant Edward L. Morrell in 94-2213 Bill of Costs in the amount of $ 226.21. [94-1647, 94-2213] [607471-l] (fran) [94-1647 94-2213]
11/17/95	Filed David B. Kahn for Appellee Patricia Morrell, Appellee Edward L. Morrell in 94-1647, Mark E. King for Appellee Patricia Morrell, Appellee Edward L. Morrell in 94-1647, David B. Kahn for Appellant Edward L. Morrell, Appellant Patricia Morrell in 94-2213, Mark E. King for Appellant Edward L. Morrell, Appellant Patricia Morrell in 94-2213 statement regarding amount of sanctions due. [94-1647, 94-2213] [607471-1] (carl) [94-1647 94-2213]
11/20/95	Filed attorney(s) Lynn D. Dowd in 94-1647, Lynn D. Dowd in 94-2213 response to the court CR 38 notice. [588235-1] [94-1647, 94-2213] (carl) [94-1647 94-2213]
11/20/95	Added attorney Jerold S. Solovy and Laura A. Kaster per appearance form. Appearance form filed for Lynn Dowd, the attorney for appellant/cross-appellee Tasker Generes, for purposes of Rule 38 proceedings. Appearance form filed by attorneys Jerold S. Solovy and Laura A. Kaster. [94-1647, 94-2213] [690852-1] (jimm) [94-1647 94-2213]

11/20/95	Filed response regarding sanctions by appellant Tasker Generes in 94-1647 and 94-2213. [94-1647, 94-2213] [607471-1] (jimm) [94-1647 94-2213]
11/75/95	MANDATE ISSUED WITH BILL OF COSTS IN THE AMOUNT OF $226.21. RECORD ON APPEAL TO BE RETURNED LATER. (Contents to be returned: 2 vol. pleadings; .) [94-1647, 94-2213] [781295-1] (carl) [94-1647 94-2213]
11/29/95	Filed mandate receipt. [94-1647, 94-2213] [783319-1] (jame) [94-1647 94-2213]
1/11/96	ORDER re: STATEMENT REGARDING AMOUNT OF SANCTIONS DUE, filed on November 17, 1995, IT IS ORDERED that the appellees/cross-appellants supplement the statement with an itemization of the specific billing that constitutes the $20,095 in attorney's fees. The supplement is due on or before January 22, 1996. AM [94-1647, 94-2213] Supplement due 1/22/96 for Patricia Morrell and Edward L. Morrell in 94-1647 and 94-2213. (jimm) [94-1647 94-2213]
1/22/96	Supplement to REQUEST FOR ATTORNEY'S FEES filed by Appellee Edward L. Morrell and Appellee Patricia Morrell in 94-1647 and 94-2213. [94-1647, 94-2213] [800496-1] (jimm) [94-1647 94-2213]

V.

CONSTITUTION, STATUTES and RULES

U.S. Constitution: Amendment 5.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life,

liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

TITLE 28. JUDICIARY AND JUDICIAL PROCEDURE
PART IV.
JURISDICTION AND VENUE
CHAPTER 81. SUPREME COURT

28 USCS §1254 (1995)

§1254. Courts of appeals; certiorari; certified questions

Cases in the courts of appeals may be reviewed by the Supreme Court by the following methods:

(1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree;

28 USCS §1291 (1995)

The courts of appeals (other than the United States Court of Appeals for the Federal Circuit) shall have jurisdiction of appeals from all final decisions of the district courts of the United States, the United States District Court for the District of the Canal Zone, the District Court of Guam, and the District Court of the Virgin Islands, except where a direct review may be had in the
Supreme Court. The jurisdiction of the United States Court of Appeals for the Federal Circuit shall be limited to the jurisdiction described in sections 1292(c) and (d) and 1295 of this title [28 USCS §§ 1292(c), (d), 1295].

TITLE 28. JUDICIARY AND JUDICIAL PROCEDURE
PART V. PROCEDURE
CHAPTER 131. RULES OF COURTS
28 USCS § 2072 (1995)

§2072. **Rules of procedure and evidence; power to prescribe**

(a) The Supreme Court shall have the power to prescribe general rules of practice and procedure and rules of evidence for cases in the United States

district courts (including proceedings before magistrates thereof) and courts of appeals. (b) Such rules shall not abridge, enlarge or modify any substantive right. All laws in conflict with such rules shall be of no further force or effect after such rules have taken effect.

(c) Such rules may define when a ruling of a district court is final for the purposes of appeal under section 1291 of this title.

§2073. Rules of procedure and evidence; method of prescribing

(a)(1) The Judicial Conference shall prescribe and publish the procedures for the consideration of proposed rules under this section.

(2) The Judicial Conference may authorize the appointment of committees to assist the Conference by recommending rules to be prescribed under sections 2072 and 2075 of this title. Each such committee shall consist of members of the bench and the professional bar, and trial and appellate judges.

(b) The Judicial Conference shall authorize the appointment of a standing committee on rules of practice, procedure, and evidence under subsection (a) of this section. Such standing committee shall review each recommendation of any other committees so appointed and recommend to the Judicial Conference rules of practice, procedure, and evidence and such changes in rules proposed by a committee appointed under subsection (a)(2) of this section as may be necessary to maintain consistency and otherwise promote the interest of justice.

(c)(1) Each meeting for the transaction of business under this chapter by any committee appointed under this section shall be open to the public, except when the committee so meeting, in open session and with a majority present, determines that it is in the public interest that all or part of the remainder of the meeting on that day shall be closed to the public, and states the reason for so closing the meeting. Minutes of each meeting for the transaction of business under this chapter shall be maintained by the committee and made available to the public, except that any portion of such minutes, relating to a closed meeting and made available to the public, may contain such deletions as may be necessary to avoid frustrating the purposes of closing the meeting. (2) Any meeting for the transaction of business under this chapter, by a committee appointed under this section, shall be preceded by sufficient notice to enable all interested persons to attend.

(d) In making a recommendation under this section or under section 2072 or 2075, the body making that recommendation shall provide a proposed

rule, an explanatory note on the rule, and a written report explaining the body's action, including any minority or other separate views.

(e) Failure to comply with this section does not invalidate a rule prescribed under section 2072 or 2075 of this title.

§2074. Rules of procedure and evidence; submission to Congress; effective date

(a) The Supreme Court shall transmit to the Congress not later than May 1 of the year in which a rule prescribed under section 2072 [28 USCS §2072] is to become effective a copy of the proposed rule. Such rule shall take effect no earlier than December 1 of the year in which such rule is so transmitted unless otherwise provided by law. The Supreme Court may fix the extent such rule shall apply to proceedings then pending, except that the Supreme Court shall not require the application of such rule to further proceedings then pending to the extent that, in the opinion of the court in which such proceedings are pending, the application of such rule in such proceedings would not be feasible or would work injustice, in which event the former rule applies.

(b) Any such rule creating, abolishing, or modifying an evidentiary privilege shall have no force or effect unless approved by Act of Congress.

§ 2075. Bankruptcy rules

The Supreme Court shall have the power to prescribe by general rules, the forms of process, writs, pleadings, and motions, and the practice and procedure in cases under title 11 [11 USCS §§ 1 et seq.].

Such rules shall not abridge, enlarge, or modify any substantive right.

The Supreme Court shall transmit to Congress not later than May 1 of the year in which a rule prescribed under this section is to become effective a copy of the proposed rule. The rule shall take effect no earlier than December 1 of the year in which it is transmitted to Congress unless otherwise provided by law.

Federal Rules of Appellate Procedure

Rule 38.

Damages and Costs for Frivolous Appeals.

If a court of appeals determines that an appeal is frivolous, it may , after a separately filed motion or notice the court and reasonable opportunity to respond, award just damages and single or double costs to the appellee.

Federal Rules of Civil Procedure

Rule 1. Scope and Purpose of Rules

These rule govern the procedure in the United States district courts in all suits of a civil nature whether cognizable as cases at law or in equity or in admiralty, with the exceptions stated in Rule 81. They shall be construed and administered to secure the just, speedy, and in expensive determination of every action.
(As amended Dec. 29, 1984, eff. Oct. 20 1949; Feb. 28,1966, eff. July 1, 1966; Apr. 22, 1993, eff. Dec. 1, 1993.)

Federal Rule Civil Procedure
Rule 11 Post the 1993 Amendment

Rule 11. Signing of Pleadings , Motions, and Other Papers; Representations to Court; Sanctions.

(a) Signature. Every pleading, written motion, and other paper shall be signed by at least one attorney of record in the attorney's individual name, or,
if the party is not represented by an attorney, shall be signed by the party . Each paper shall state the signer's address and telephone number , if any. Except when otherwise specifically provided by rule or statute. pleadings need not be verified or accompanied by affidavit. An unsigned paper shall be stricken unless omission of the signature is corrected promptly after being called to the attention of the attorney or party.

(b) Representations to Court. By presenting to the court (whether by signing filling, submitting, or later advocating) a pleading, written motion, or other paper, an attorney or unrepresented party is certifying that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances,-

(1) it is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

(2) the claims, defenses, an other legal contentions therein are warranted by existing law or by a non frivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

(3) the allegations and other factual contentions have evidentiary support or,
if specifically so identified are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery, and

(4) the denial of factual contentions are warranted on the evidence or, if specifically so identified, jars reasonably based on a ; auk of information or belief.

(c) Sanction. If, after notice and a reasonable opportunity to respond, the court determines that subdivision (b) has been violated, the court may, subject to the conditions stated below, impose an appropriate sanction upon the attorneys, law firms, or parties that have violated subdivision (b0 or are responsible for the violation.

(1) How Initiated.

(A) By Motion. A motion for sanctions under this rule shall be made separately from other motions or requests and shall describe the specific conduct alleged to violate subdivision (b) . *it shall be served as provided in rule 5, but shall not be filed with or presented to the court unless within 21 days after service of the motion (or such other period as the court may prescribe), the challenged paper, claim, defense, contention, allegation, or denial is not withdrawn or appropriately corrected. If warranted, the court may award to the party prevailing on the motion the reasonable* expenses and attorney's fees incurred in presenting or opposing the motion. Absent exceptional circumstances, a law firm shall be held jointly responsible for violation committed by its partners, associates, and employees.

(B) On Court's Initiative. On its own initiative, the court may enter an order describing the specific conduct that appears to violate subdivision (b) and directing an attorney, law firm, or party to show cause why it has not violated subdivision (b) with respect thereto.

(2) Nature of Sanction; Limitations. A sanction imposed for violation of this rule shall be limited to what is sufficient to deter repetition of such conduct or comparable conduct by others similarly situated. Subject to the limitations in subparagraphs (A) and (B), an sanction may consist of, or include, directives of a non monetary nature, an order o pay a penalty into court ,or, if imposed on motion and warranted for effective deterrence, an order directing payment to the movant of some or all of the reasonable attorney's fees and other expenses incurred as a direct result of the violation.

(A) Monetary sanctions may not be awarded against a represented party for a violation of subdivision (b) (2).

(B) Monetary sanctions may not be awarded on the court's initiative unless the court issues its order to show cause before a voluntary dismissal or settlement of the claims made by or against the party which is, or whose attorneys are, to be sanctioned.

(3) Order. When imposing sanctions, the court shall describe the conduct determined to constitute a violation of this rule and explain the basis for the sanction imposed.

(d) Inapplicability to Discovery. Subdivisions (a) through (c) of this rule do not apply to disclosures and discovery requests, responses, objections, and motions that are subject to the provisions of Rules 26 through 37.

Federal Rule Civil Procedure
Rule 11 Before the 1993 Amendment

Rule 11. Signing of pleadings, Motion, and Other papers; Sanctions. Every pleading, motion, and other paper of a party represented by an attorney shall be signed by at least one attorney of record in the attorney's individual name, whose address shall be stated. A
party who is not represented by an attorney shall sign the party's pleading, motion, or other paper and state the party's address. Except when otherwise specifically by affidavit. The rule in equity that the averments of an answer under oath must be overcome by the testimony of two witnesses or one witness sustained by corroborating constitutes a certificate by the signer that the signer has read the pleading motion, or other paper; that to the best of the signer's knowledge, information, and belief formed after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or
needless increase in the cost of litigation. If a pleading, motion, or other paper is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the pleader or movant. If a pleading, motion, or other paper is signed in violation of this rule, the court, upon motion or upon its own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filling of the pleading, motion or other paper, including a reasonable attorney's fee.

Federal Rule of Civil Procedure
Rule 52.
Finding by the Court; Judgment on Partial Findings.

(a) Effect. In all actions tried upon the facts without a jury or with an advisory jury, the court shall find the facts specially and state separately its conclusions of law thereon, and judgment shall be entered pursuant to rule 58; and in granting or refusing interlocutory injunctions the court shall similarly set forth the findings of fact and conclusions of law which constitute the grounds of
its action. Requests for findings of fact, whether based on oral or documentary evidence, shall not be set aside unless clearly erroneous, and due regard shall be given to the opportunity of the trial court to judge of the credibility of the witnesses. The finding of a master, to the extent that the court adopts them , shall be considered as the findings of the court. It will be sufficient if the findings of fact and conclusions of law are stated orally and recorded in open court following the close of the evidence or appear in an opinion or memorandum of decision filed by the court. Finding of fact and conclusion of law are unnecessary on decision of motions under rule 12 or 56 or any other motion except as provided in subdivision (c) of this rule.

(Amended by order adopted December 27, 1946, effective March 19, 1948, by order adopted January 21, 1963, effective July 1, 1963, by order adopted April 28, 1983, effective August 1, 1983, by order adopted April 29, 1985, effective August 1, 1985, and by order adopted April 30, 1991, effective December 1, 1991.)

(b) Amendment. Upon motion of a party made not later than 10 days after entry of judgment the court may amend its findings or make additional findings and may amend the judgment accordingly. The motion may be made with a motion for a new trial pursuant to rule 59 . when finding of fact are made in actions tried by the court without a jury, the question of the sufficiency of the evidence to support the finding a may thereafter be raised whether or not the party raising the question has made in the district court an objection to such finding a or has made a motion to amend them
or a motion for judgment.

(c) Judgment on Partial findings. If during a trial without a jury a party has been fully heard on an issue and the court finds against the party on that issue, the court may enter judgment as a matter of law against that party with respect to a claim or defense that cannot under the controlling law be maintained or defeated without a favorable findings on that issue,, or the court may decline to render any judgment until the close of all the evidence.

Such a judgment shall be supported by findings of fact and conclusions of law as required by subdivision (a) of this rule.

Federal Rule of Civil Procedure
Rule 54(d) Costs; Attorney's Fees.

(d) Costs Other than Attorneys' Fees.

(1) Costs Other than Attorneys' Fees. Except when express provision therefor is made either in a statute of the United States or in these rules, costs other than attorneys' fees shall be allowed as of course to the prevailing party unless the court otherwise directs; but costs against the United States, its officers, and agencies shall be imposed only to the extent permitted by law. Such costs may be taxed by the clerk on one day's notice. On motion served within 5 days thereafter, the action of the clerk may be reviewed by the court.

(2) Attorneys' Fees. (A) Claims for attorneys' fees and related nontaxable expenses shall be made by motion unless the substantive law governing the action provides for the recovery of such fees as an element of damages to be proved at trial.

(B). Unless otherwise provided by statute or order of the court, the motion must be filed and served no later than 14 days after entry of judgment; must specify the judgment and the statute, rule, or other grounds entitling the moving party to the award; and must state the amount or provide a fair estimate of the amount sought. If directed by the court, the motion shall also disclose the terms of any agreement with respect to fees to be paid for the services for which claim is made.

(C) On request of a party or class member, the court shall afford an opportunity for adversary submissions with respect to the motion in accordance with Rule 43(e) or Rule 78. The court may determine issues of liability for fees before receiving submissions bearing on issues of evaluation of services for which liability is imposed by the court. The court shall find the facts and state its conclusions of law as provided in Rule 52(a), and a judgment shall be set forth in a separate document as provided in Rule 58.

(D) By local rule the court may establish special procedures by which issues relating to such fees may be resolved without extensive evidentiary hearings. In addition, the court may refer issues relating to the value of services to a special master under Rule 53 without regard to the provisions

of subdivision (b) thereof and may refer a motion for attorneys' fees to a magistrate judge under Rule 72(b) as if it were a dispositive pretrial matter. (E) The provisions of subparagraphs (A) through (D) do not apply to claims for fees and expenses as sanctions for violations of these rules or under 28 U.S.C. § 1927.

Adversary Proceeding's
Bankruptcy Rules
Rule 7001
Scope of Rules of Part VII Adversary Proceedings.

An adversary proceeding is governed by the rules of this Part VII. It is a proceeding (1) to recover money or property, except a proceeding to compel the debtor to deliver property to the trustee, or a proceeding under §554(b) or §725 of the Code, Rule 2017, or Rule 6002, (2) to determine the validity, priority, or extent of a lien or other interest in property, other than a proceeding under Rule 4003(d), (3) to obtain approval pursuant to §363(h) for the sales of property, (4) to object to or revoke a discharge, (5) to revoke an order of confirmation of a Chapter 11 or Chapter 13 plan, (6) to determine the dischargeability of a debt, (7) to obtain an injunction or other equitable relief, (8) to subordinate any allowed claim or interest, except when subordination is provided in a judgment relating to any of the foregoing, or (10) to determine a claim or cause of action removed pursuant to 28 U.S.C. §1452.

Bankruptcy Rule 7002
References to Federal Rules of Civil Procedure.

Whenever a Federal Rule of Civil Procedure applicable to adversary proceedings makes reference to another Federal Rule of Civil Procedure, the reference shall be read as a reference to the Federal Rule of Civil Procedure as modified in this Part VII.

Bankruptcy Rule 7052.
Findings by the Court

Rule 52 F. R. Civ. P. applies in adversary proceedings.

Bankruptcy Rule 7054

(a) **Judgments.** Rules 54(a)-(c) F.R.Civ.P. applies in adversary proceedings.

(b) **Costs**. The court may allow costs to the prevailing party except when a statute of the United States or these rules otherwise provides. costs against the United States, its officers and agencies shall be imposed only to the extent permitted by law. Costs may be taxed by the clerk on one day's notice; on motion served within five days thereafter, the action of the clerk may be reviewed by the court.

PART VIII
APPEALS TO DISTRICT COURT

Rule 8013.
Disposition of Appeal ;
Weight Accorded Bankruptcy Judge's Findings of Fact

On an appeal the district court or bankruptcy appellate panel may affirm, modify, or reverse a bankruptcy judgment, order, or decree or remand with instructions for further proceedings. Findings of fact, whether based on oral or documentary evidence, shall not be set aside unless clearly erroneous, and due regard shall be given to the opportunity of the bankruptcy court to judge the credibility of the witnesses.

Bankruptcy Rule 8014.
Costs

Except as otherwise provided by law, agreed to by the parties, or ordered by the district court or the bankruptcy appellate panel , cost shall be taxed against the losing party on an appeal. If a judgment is affirmed or reversed in part, or is vacated, costs shall be allowed only as ordered by the court. Cost incurred in the production of copies of briefs, the appendices, and the record and in the preparation and transmission of the record, the cost of the reporter's transcript, if necessary for the determination of the appeal, the premiums paid for cost of supersedeas bonds or other bonds to preserve rights pending appeal and the fee for filing the notice of appeal shall be taxed by the clerk as cost of the appeal in favor of the party entitled to cost under this rule.

Bankruptcy Rule 8018(b)
Procedure When There is No Controlling Law.

A bankruptcy appellate panel or district judge may regulate practice in any manner consistent with federal law, these rules, Official Forms, and local rules of the circuit council or district court. No sanction or other

disadvantage may be imposed for noncompliance with any requirement not in federal law, federal rules, Official Forms, or the local rules of the circuit council or district court unless the alleged violator has been furnished in the particular case with actual notice of the requirement.

Bankruptcy Rule 9011

(a) Signature. Every petition, pleading, motion and other paper served or filed in a case under the Code on behalf of a party represented by an attorney, except a list, schedule, statement of financial affairs, statement of executory contracts, statement of intention, Chapter 13 Statement, or amendments thereto, shall be signed by at least one attorney of record in the attorney's individual name, whose office address and telephone number shall be stated. A party who is not represented by an attorney shall sign all papers and state the party's address and telephone number. The signature of an attorney or a party constitutes a certificate that the attorney or party has read the document; that to the best of the attorney's or party's knowledge, information, and belief formed after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good faith argument for either extension, modification, or reversal of existing law; and that it is not interposed for any improper purpose, such as to harass, to cause delay, or to increase the cost of litigation. If a document is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the person whose signature is required. If a document is signed in violation of this rule, the court on motion or on its own initiative, shall impose on the person who signed it, the represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the document, including a reasonable attorney's fee.

(b) Verification. Except as otherwise specifically provided by these rules, papers filed in a case under the Code need not be verified. Whenever verification is required by these rules, an unsworn declaration as provided in 28 U.S.C. §1746 satisfies the requirement of verification.

(c) Copies of Signed or Verified Papers. When these rules require copies of a signed or verified paper, it shall suffice if the original is signed or verified and the copies are conformed to the original.